

HOUSE No.

The Commonwealth of Massachusetts



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

EXECUTIVE DEPARTMENT
STATE HOUSE · BOSTON 02133
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January 22, 2014.

To the Honorable Senate and House of Representatives,

I am filing for your consideration a bill entitled “An Act Making Appropriations for the Fiscal Year 2014 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.”

The legislation I am filing includes supplemental funding requests of \$126.6 million (\$107.1 million after accounting for offsetting revenue) to fund obligations including:

- \$45.4 million for family emergency shelter services. Even with the program reforms my Administration has implemented, the state continues to see historic levels of demand for emergency housing services.
- \$16 million (\$0 net) for premium costs associated with new municipalities joining the Group Insurance Commission, which will be paid from revenues received from those municipalities.
- \$14.5 million in a reserve to offset projected deficiencies at state sheriffs’ offices.
- \$11.1 million for costs associated with collective bargaining.

- \$7.9 million to support the Department of Youth Services in implementing the 2013 Raise the Age legislation.
- \$7.5 million for a reserve to support community college engagement in urban communities, including \$3 M for Roxbury Community College.
- \$2.8 million to further enhance the Department of Children and Families' work to protect youth served by the Department and strengthen families.
- \$1 million to maintain Prescription Advantage eligibility requirements.

The above fiscal year 2014 items are quite time-sensitive. Accordingly, I especially request their prompt enactment.

This legislation also includes some budget-related and other technical language changes, including the following:

- Limiting transfers of large one-time settlements to the Stabilization Fund, to those exceeding the five-year median.
- Making additional reforms to our transportation system.
- Codifying the Office of Access and Opportunity and the Task Force on the Underground Economy.
- Streamlining the Appellate Tax Board small claims process.
- Prohibiting clinical laboratory self-referrals.

Sufficient revenues are estimated to be available to finance these appropriations. I urge your prompt and favorable consideration of this bill.

Respectfully submitted,

Deval L. Patrick,
Governor

15	1599-2013	.....	\$670,000
16	1599-4444	.....	\$11,095,037
17	<i>Group Insurance Commission</i>		
18	1108-5200	.....	\$16,000,000
19	<i>Human Resources Division</i>		
20	1750-0300	.....	\$1,766,344
21	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES		
22	<i>Office of the Secretary of Health and Human Services</i>		
23	4000-0005	.....	\$4,800,000
24	<i>Department of Elder Affairs</i>		
25	9110-1455	.....	\$1,019,000
26	<i>Department of Youth Services</i>		
27	4200-0200	.....	\$3,030,853
28	4200-0300	.....	\$4,873,738
29	<i>Department of Children and Families</i>		
30	4800-0015	.....	\$1,650,000
31	4800-1100	.....	\$1,130,000
32	EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT		
33	<i>Department of Housing and Community Development</i>		
34	7004-0101	.....	\$32,476,306
35	7004-0103	.....	\$12,640,246
36	EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY		
37	<i>Office of the Chief Medical Examiner</i>		
38	8000-0122	.....	\$150,000

39 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
40 provide for an alteration of purpose for current appropriations, and to meet certain requirements
41 of law, the sums set forth in this section are hereby appropriated from the General Fund unless
42 specifically designated otherwise in this section, for the several purposes and subject to the
43 conditions specified in this section, and subject to the laws regulating the disbursement of public
44 funds for the fiscal year ending June 30, 2014. These sums shall be in addition to any amounts
45 previously appropriated and made available for the purposes of those items.

46 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

47 *Office of the Secretary for Administration and Finance*

48 1599-4000 For a reserve to support community colleges that serve a critical role in creating
49 opportunity for local communities of the highest need provided, that \$3,000,000 shall be
50 provided to Roxbury Community College\$7,500,000

51 1599-4705 For a reserve to fund immediate and necessary costs at the sheriffs'
52 departments..... \$14,566,634

53 1599-6901 For the fiscal year 2014 annualized costs of the human service provider
54 salary increases funded in item 1599-6901 of chapter 139 of the acts of 2012; provided, that the
55 secretary of administration and finance may transfer from the sum appropriated in this item to
56 other items of appropriation and allocations thereof for fiscal year 2014 amounts that are
57 necessary to meet these costs where the amounts otherwise available are insufficient for the
58 purpose, in accordance with a transfer plan which shall be filed in advance with the house and
59 senate committees on ways and means \$10,695,490

60 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

61 *Office of the Secretary of Health and Human Services*

62 4000-0114 For an enhanced training grant program aimed at reducing direct care staff
63 turnover rates that would provide one-time bonus payments to human service provider staff who
64 complete additional
65 training.....\$1,000,000

66 *Department of Public Health*

67 4516-1005 For the department of public health, which may expend not more than
68 \$120,000 generated by fees collected from providers and/or insurers for sexually transmitted
69 infections testing performed at the state laboratory institute; provided, that revenues collected
70 may be used to supplement the costs of the laboratory; and provided further, that notwithstanding
71 any general or special law to the contrary, for the purpose of accommodating timing
72 discrepancies between the receipt of retained revenues and related expenditures, the department

73 may incur expenses and the comptroller may certify for payment amounts not to exceed the
74 lesser of this authorization or the most recent revenue estimate, as reported in the state
75 accounting system.....\$120,000

76 *Department of Mental Health*

77 5095-1016 For the department of mental health, which may expend not more than
78 \$500,000 in revenue collected from occupancy fees charged to the tenants of the state hospitals;
79 provided, that all fees collected shall be expended to support the costs to sustain operations of the
80 facilities; and provided further, that notwithstanding any general or special law to the contrary,
81 for the purpose of accommodating timing discrepancies between the receipt of retained revenues
82 and related expenditures, the department may incur expenses and the comptroller may certify for
83 payment amounts not to exceed the lesser of this authorization or the most recent revenue
84 estimate, as reported in the state accounting system\$500,000

85 EXECUTIVE OFFICE FOR LABOR AND WORKFORCE DEVELOPMENT

86 *Office of the Secretary for Labor and Workforce Development*

87 7003-0608 For the underground economy division \$250,000

88 **Soldiers Homes Under Department of Veterans Services**

89 SECTION 3. Section 16 of chapter 6A of the General Laws, as appearing in the 2012
90 Official Edition, is hereby amended by striking out, in lines 31 to 35, inclusive, the words “, the
91 Massachusetts commission for the deaf and hard of hearing and the Soldiers’ Home in
92 Massachusetts and the Soldiers’ Home in Holyoke; (5) the department of veterans’ services
93 under the direction of the secretary of veterans’ services, who shall be appointed by the
94 governor” and inserting in place thereof the following words:- and the Massachusetts
95 commission for the deaf and hard of hearing; (5) the department of veterans’ services under the
96 direction of the secretary of veterans’ services, who shall be appointed by the governor, which
97 shall include the Soldiers’ Home in Massachusetts and the Soldiers’ Home in Holyoke.

98 **Codify the Office of Access and Opportunity**

99 SECTION 4. (A) The introductory paragraph of section 4A of chapter 7 of the General
100 Laws, as so appearing, is hereby amended by adding the following sentence:- The executive
101 office shall also include an office of access and opportunity.

102 (B) Said section 4A of said chapter 7, as so appearing, is hereby further amended by
103 inserting after paragraph (e) the following paragraph:-

104 (f) The office of access and opportunity shall be headed by an assistant secretary for
105 access and opportunity who shall be appointed by the secretary with the approval of the
106 governor. The assistant secretary shall be a person who has at least 5 years experience in the area

107 of civil rights or diversity and inclusion efforts. The office shall: (1) promote non-discrimination
108 and equal opportunity in all aspects of executive agency decision-making and operations,
109 including but not limited to, employment activity, procurement activity, policymaking and
110 implementation and access to executive agency services; (2) review and recommend
111 improvements to executive agency programs, activities and services to ensure that said programs,
112 activities and services are administered in a non-discriminatory manner; (3) review and
113 recommend improvements to executive agency programs, activities and services to foster
114 economic opportunity for all persons; and (4) with the approval of the secretary, take
115 administrative actions, including but not limited to, promulgating administrative bulletins and
116 other policy guidance to promote and ensure nondiscrimination and equal opportunity in the
117 policies, services, programs and activities of executive agencies. The office shall report annually
118 the results of its effort to the chairs of the joint committee on state administration and regulatory
119 oversight.

120 **Department of Public Safety Enforcement of Civil Fines**

121 SECTION 5. (A) Subsection (a) of section 21 of chapter 22 of the General Laws, added
122 by section 35 of chapter 68 of the acts of 2011, is hereby amended by inserting after clause (1)
123 the following clause:- (1½) section 20;.

124 (B) Said section 21 of said chapter 22, as so added, is hereby further amended by
125 inserting, in line 22, after the word "inclusive," the first time it appears, the following words:-
126 section 46,.

127 **Changes to Apprenticeship Laws**

128 SECTION 6. (A) Section 11E of chapter 23 of the General Laws, as appearing in the
129 2012 Official Edition, is hereby amended by striking out, in line 2, the words "to consist of 8
130 members, 6 of whom", and inserting in place thereof the following words:- to consist of 10
131 members, 8 of whom.

132 (B) Said section 11E of said chapter 23, as so appearing, is hereby further amended by
133 inserting after the fourth sentence the following sentence: - The 2 remaining appointive members
134 shall be members of the public who shall be appointed for terms of 3 years.

135 (C) Section 11F of said chapter 23, as so appearing, is hereby amended by striking out,
136 in line 3, the word "training" and inserting in place thereof the following word:- standards.

137 (D) Section 11G of said chapter 23, as so appearing, is hereby amended by striking out,
138 in line 8, the words "same trade or group of trades" and inserting in place thereof the following
139 words:- same occupation or group of occupations.

140 (E) Section 11H of said chapter 23, as so appearing, is hereby amended by inserting after
141 the word “apprenticed”, in line 13, the following words: - , or in the case of licensed occupations,
142 as required by regulations of the licensing board.

143 (F) Said section 11H of said chapter 23, as so appearing, is hereby further amended by
144 striking out, in line 15, the words “a skilled trade” and inserting in place thereof the following
145 words:- an occupation.

146 (G) Said section 11H of said chapter 23, as so appearing, is hereby further amended by
147 inserting after the definition of “Apprentice program sponsor”, the following definition: -
148 “Department”, the department of labor standards.

149 (H) Said section 11H of said chapter 23, as so appearing, is hereby further amended by
150 striking out, in line 29, the words “apprentice training” and inserting in place thereof the
151 following words:- the department.

152 (I) Said section 11H of said chapter 23, as so appearing, is hereby further amended by
153 striking out, in line 31, the word “training” and inserting in place thereof the following word:-
154 standards.

155 (J) Said section 11H of said chapter 23, as so appearing, is hereby further amended by
156 inserting after the definition of “Division”, the following definition: - “Licensing entity”, a state
157 agency, including the division of professional licensure, established by section 8 of chapter 113,
158 and the department of public safety, established by section 1 of chapter 22, which issues licenses
159 to individuals to engage in occupations.

160 (K) Said section 11H of said chapter 23, as so appearing, is hereby further amended by
161 striking out, in line 34, the words “trade or”.

162 (L) Section 11I of said chapter 23, as so appearing, is hereby amended by inserting after
163 the word “apprenticed”, in line 9, the following words:- , or in the case of licensed trades, as
164 required by the regulations of the licensing entity, as applicable,.

165 (M) Section 11I of said chapter 23, as so appearing, is hereby further amended by
166 striking out, in lines 13 and 14, the words “, averaging at least ½ of the rate of pay of a journey
167 person over a similar period”.

168 (N) Section 11I of said chapter 23, as so appearing, is hereby further amended by
169 striking out, in lines 19 and 20, the words “6 months”, and inserting in place thereof the
170 following words:- the lesser of (i) 1 year or (ii) 25 per cent of the length of the apprentice
171 program from the date.

172 (O) Section 11K of said chapter 23, as so appearing, is hereby amended by inserting after
173 the word “learned”, in line 19, the following words:- ; or in the case of licensed trades, as
174 required by the regulations of the licensing entity, as applicable,.

175 (P) Section 11T of said chapter 23, as so appearing, is hereby amended by inserting after
176 the figure “10”, in lines 36 and 38, in each instance, the following word:- business.

177 (Q) Section 11U of said chapter 23, as so appearing, is hereby amended by inserting after
178 the figure “10”, in line 18, the following word:- business.

179 (R) Section 11W of said chapter 23, as so appearing, is hereby amended by striking out,
180 in line 4, the figure “\$35”.

181 (S) Said section 11W of said chapter 23, as so appearing, is hereby further amended by
182 inserting after the word “prints”, in line 5, the following words:- and such other information.

183 (T) Said section 11W of said chapter 23, as so appearing, is hereby further amended by
184 inserting after the word “director”, in line 6, the following words:- , except that a veteran
185 receiving education benefits from the Department of Veterans Affairs under Title 38 of the
186 United States Code shall not be required to pay a fee.

187 (U) Said section 11W of said chapter 23, as so appearing, is hereby further amended by
188 striking out, in line 8, the words “of \$35”.

189 (V) Said section 11W of said chapter 23, as so appearing, is hereby further amended by
190 striking out, in line 12, the word “deputy”.

191 **Codify the Joint Enforcement Task Force on the Underground Economy**

192 SECTION 7. (A) Chapter 23 is hereby amended by adding the following section:-

193 Section 25. (a) There shall be within the department of labor standards an underground
194 economy division. The director of the division shall support the efforts of the coordinating
195 council established in subsection (b) and provide suitable meeting space and such clerical and
196 other assistance as the director and the council may deem necessary.

197 (b) There shall be a coordinating council on the underground economy. The council shall
198 coordinate joint efforts to combat the underground economy and employee misclassification,
199 including efforts to: (i) foster compliance with the law by educating business owners and
200 employees about applicable requirements; (ii) conduct joint, targeted investigations and
201 enforcement actions against violators; (iii) protect the health, safety and benefit rights of
202 workers; and (iv) restore competitive equality for law-abiding businesses.

203 (c) The council shall consist of the following members or their designees: the secretary of
204 labor and workforce development, who shall serve as the chair, the director of the department of

205 unemployment assistance, the director of the department of industrial accidents, the director of
206 labor standards, the commissioner of revenue, the chief of the attorney general's fair labor
207 division, the commissioner of the department of public safety, the director of the division of
208 professional licensure, the commissioner of the division of capital asset management and
209 maintenance, the chairman of the alcoholic beverages control commission, the chairman of the
210 Massachusetts commission against discrimination, the commissioner of the division of banks, the
211 executive director of the Massachusetts office of refugees and immigrants, the executive director
212 of the office of small business and entrepreneurship, the executive director of the supplier
213 diversity office and the executive director of the insurance fraud bureau. Additional members
214 may be added at the discretion of the director of the department of labor standards.

215 (d) The council shall:

216 (1) facilitate timely information sharing between and among council members, including
217 through the establishment of protocols by which participating agencies will advise or refer to
218 other agencies matters of potential investigative interest;

219 (2) identify those industries and sectors where the underground economy and employee
220 misclassification are most prevalent and target council members' investigative and enforcement
221 resources against those sectors, including through the formation of joint investigative and
222 enforcement teams;

223 (3) assess existing investigative and enforcement methods, both in the commonwealth
224 and in other jurisdictions, and develop and recommend strategies to improve those methods;

225 (4) encourage businesses and individuals to identify violators by soliciting information
226 from the public, facilitating the filing of complaints and enhancing the available mechanisms by
227 which workers can report suspected violations;

228 (5) solicit the cooperation and participation of district attorneys and other relevant
229 enforcement agencies, including the insurance fraud bureau, and establish procedures for
230 referring cases to prosecuting authorities as appropriate;

231 (6) work cooperatively with employers, labor and community groups to diminish the size
232 of the underground economy and reduce the number of employee misclassifications by, among
233 other means, disseminating educational materials regarding the applicable laws, including the
234 legal distinctions between independent contractors and employees and increasing public
235 awareness of the harm caused by the underground economy and employee misclassification;

236 (7) work cooperatively with federal, state and local social services agencies to provide
237 assistance to vulnerable populations that have been exploited by the underground economy and
238 employee misclassification, including, but not limited, to immigrant workers;

239 (8) identify potential regulatory or statutory changes that would strengthen enforcement
240 efforts, including any changes needed to resolve existing legal ambiguities or inconsistencies, as
241 well as potential legal procedures for facilitating individual enforcement efforts; and

242 (9) consult with representatives of business and organized labor, members of the general
243 court, community groups and other agencies to discuss the activities of the council and its
244 members and ways of improving its effectiveness.

245 (e) The department of labor standards shall transmit an annual report to the governor
246 summarizing the council's activities during the preceding year. The report shall, without
247 limitation: (i) describe the council's efforts and accomplishments during the year; (ii) identify
248 any administrative or legal barriers impeding the more effective operation of the council,
249 including any barriers to information sharing or joint action; (iii) propose, after consultation with
250 representatives of business and organized labor, members of the legislature and other agencies,
251 appropriate administrative, legislative or regulatory changes to strengthen the council's
252 operations and enforcement efforts and reduce or eliminate any barriers to those efforts; and (iv)
253 identify successful preventative mechanisms for reducing the extent of the underground
254 economy and employee misclassification, thereby reducing the need for greater enforcement.
255 The council shall also take appropriate steps to publicize its activities.

256 (f) Notwithstanding any law to the contrary, every agency within the executive branch
257 shall make all reasonable efforts to cooperate with the division and the council and to furnish
258 such information and assistance as the division and council reasonably deem necessary to
259 accomplish its purposes.

260 (B) Section 21 of chapter 62C of the General Laws, as appearing in the 2012 Official
261 Edition, is hereby amended by striking out, in lines 158 to 160, inclusive, the words "Joint
262 Enforcement Task Force on the Underground Economy and Employee Misclassification,
263 established by Executive Order 499," and inserting in place thereof the following words:-
264 coordinating council on the underground economy and the underground economy division,
265 established by section 25 of chapter 23.

266 One-time Settlements to Stabilization Fund

267 SECTION 8. (A) Section 2H of chapter 29 of the General Laws, as so appearing, is
268 hereby amended by inserting after the word "section", in line 40, the following words:- , but only
269 to the extent that the total of all such 1-time settlements and judgments exceeds the median of
270 such total for the 5 fiscal years preceding the immediately preceding fiscal year, as determined
271 by the secretary of administration and finance.

272 (B) The third paragraph of said section 2H of said chapter 29, as so appearing, is hereby
273 further amended by adding the following sentence:- Any constitutional office in receipt of such

274 a non-tax 1-time settlement or judgment shall notify the attorney general not later than 10 days
275 after receipt of such settlement or judgment.

276 **Changes to Health Care Security Trust Fund**

277 SECTION 9. (A) Chapter 29D of the General Laws is hereby repealed.

278 (B) Paragraph (a) of section 24 of chapter 32A of the General Laws, as amended by
279 section 7 of chapter 36 of the acts of 2013, is hereby further amended by striking out the words
280 “Health Care Security Trust board of trustees established in section 4 of chapter 29D” and
281 inserting in place thereof the following words:- State Retiree Benefits Trust Fund board of
282 trustees established in section 24A.

283 (C) Paragraph (b) of said section 24 of said chapter 32A, as appearing in the 2012
284 Official Edition, is hereby amended by inserting after the second sentence the following 2
285 sentences:-

286 In addition, 30 per cent of all payments received by the commonwealth in fiscal year
287 2015 under the master settlement agreement in Commonwealth of Massachusetts v. Philip
288 Morris, Inc. et. al., Middlesex Superior Court, No. 95-7378, shall be deposited in the State
289 Retiree Benefits Trust Fund, and the balance of funds received in fiscal year 2015 shall be
290 deposited in the General Fund. The amount of these payments to be deposited in the State
291 Retiree Benefits Trust Fund shall be increased by 10 percentage points in fiscal year 2016 and in
292 each subsequent fiscal year until the amount to be deposited reaches 100 per cent of the
293 payments.

294 (D) Said section 24 of said chapter 32A, as so appearing, is hereby further amended by
295 adding the following 3 paragraphs:-

296 (i) All transactions affecting the trust fund including, but not limited to, all amounts
297 credited to and all expenditures, transfers or allocations made from the trust fund, shall be
298 recorded by subsidiary on the Massachusetts management accounting and reporting system.

299 (j) The trust fund shall be classified by the comptroller as a nonbudgeted fund of the
300 commonwealth. Amounts credited to the trust fund, including both principal and earnings, shall
301 not be subject to the calculation of the consolidated net surplus under sections 2H and 5C of
302 chapter 29.

303 (k) The attorney general shall file a quarterly report with the state comptroller, the state
304 budget director and the house and senate committees on ways and means which shall include, but
305 not be limited to, the following: (i) an updated schedule of payments due the commonwealth
306 under the master settlement agreement referenced in paragraph (b); (ii) an analysis of any
307 imminent factors that may affect the industry's ability to generate those payments to the
308 commonwealth; (iii) a detailed account of the analysis and methodology used to determine the

309 variations associated with the schedule of payments; (iv) an explanation of the financial impact
310 that those variations in the schedule of payments shall have upon the amount due to the
311 commonwealth and the industry's obligation to the commonwealth; and (v) an itemized account
312 of all amendments that have been made to the master settlement agreement.

313 (E) Said chapter 32A of the General Laws is hereby further amended by inserting after
314 section 24 the following section:-

315 Section 24A. (a) The State Retiree Benefits Trust Fund shall be managed by a board to be
316 known as the State Retiree Benefits Trust Fund board of trustees, which shall have general
317 supervision of the trust. The duties and obligations of the board shall be set forth in a declaration
318 of trust to be adopted by the board. The declaration of trust and any amendments to it shall be
319 filed with the general court, but if the general court takes no final action on the declaration or any
320 amendments to it within 60 days of the date of the filing of the declaration or the amendments
321 with the clerk of the house of representatives and the clerk of the senate, the declaration or
322 amendments shall be considered to be approved.

323 (b) The board of trustees shall consist of 7 trustees, including the secretary of
324 administration and finance or a designee, the executive director of the group insurance
325 commission or a designee, the executive director of the public employee retirement
326 administration commission or a designee, the state treasurer or a designee, the comptroller or a
327 designee and 2 additional trustees, 1 of whom shall be appointed by the governor and 1 of whom
328 shall be appointed by the state treasurer. The appointed trustees shall serve for terms of 5 years
329 and shall be experienced in the field of investment, financial management, law and public
330 management. Trustees shall be eligible for reappointment. The members of the board shall elect
331 1 of the trustees to serve as the chair.

332 (c) A trustee shall disclose in advance to the board any interest or involvement in any
333 matter that is before the board. The disclosure shall be contemporaneously recorded in the
334 minutes of the board. A trustee having such an interest or involvement shall not participate in
335 any such matter.

336 (d) The board may select an executive director who shall serve at the pleasure of the
337 board. Sections 9A, 45, 46 and 46C of chapter 30, chapter 31 and chapter 150E shall not apply to
338 the executive director or any other employees of the board. The executive director shall, with the
339 approval of the board: (i) plan, direct, coordinate and execute administrative and investment
340 functions in conformity with the policies and directives of the board; (ii) employ professional
341 and clerical staff as necessary; (iii) report to the board on all operations under the director's
342 control and supervision; (iv) prepare an annual budget and manage the administrative expenses
343 of the trust; and (v) undertake any other activities necessary to implement the powers and duties
344 set forth in this section. If the board does not select an executive director, the chair shall perform

345 all duties and functions of the executive director set forth in this section, or with the approval of
346 the board, the chair may delegate duties to others.

347 (e) In addition to the other powers and duties defined in this section, the board shall
348 approve or ratify decisions of the executive director, formulate policies and procedures
349 considered necessary and appropriate to carry out the purposes of the trust, maintain a record of
350 its proceedings and undertake any other activities necessary to implement the duties and powers
351 set forth in this section.

352 (f) All records of the trust, including the transactions of the trust fund, shall be a public
353 record as defined in clause Twenty-sixth of section 7 of chapter 4.

354 (g) In any civil action brought against a trustee or employee of the State Retiree Benefits
355 Trust Fund, acting within the scope of the trustee's or employee's official duties, the defense or
356 settlement of which is made by the attorney general or by an attorney employed by the board, the
357 trustee or employee shall be indemnified for all expenses incurred in the defense of the action
358 and shall be indemnified for damages to the same extent as provided for public employees in
359 chapter 258. No trustee or employee shall be indemnified for expenses in an action or damages
360 awarded in an action in which there is shown to be a breach of fiduciary duty, an act of willful
361 dishonesty or an intentional violation of law by the trustee or employee.

362 (F) Section 20 of chapter 32B of the General Laws, as so appearing, is hereby amended
363 by striking out, in lines 15, 20 and 21 and 44, the words "Health Care Security Trust" and
364 inserting in place thereof, in each instance, the following words:- State Retiree Benefits Trust
365 Fund.

366 **Posting Municipal Procurement Notices on Governmental Websites**

367 SECTION 10. Section 5 of chapter 30B of the General Laws, as so appearing, is hereby
368 amended by inserting after the word " body", in line 32, the following words:- or, in the
369 alternative, on a public internet website of either the governmental body or of the
370 commonwealth.

371 **Duties of the Office of Chief Medical Examiner**

372 SECTION 11. The first paragraph of section 3 of chapter 38 of the General Laws, as so
373 appearing, is hereby amended by striking out clause (13).

374 Secure Vital Registry Trust Fund

375 SECTION 12. (A) The second paragraph of section 33 of chapter 46 of the General
376 Laws, as so appearing, is hereby amended by adding the following 2 sentences:- This fee shall be
377 determined annually by the secretary of administration and finance under section 3B of chapter
378 7. Notwithstanding any other general or special law to the contrary, the first \$20 of this fee

379 received by the town clerk that issues a certified copy from the database shall be retained by the
380 town and the remainder shall be transmitted to the state treasurer for deposit into the Secure Vital
381 Registry Trust Fund, established by section 35.

382 (B) Said chapter 46 is hereby further amended by adding the following section:-

383 Section 35. There shall be established on the books of the commonwealth a separate fund
384 known as the Secure Vital Registry Trust Fund, to be expended without prior appropriation, by
385 the department. The trust shall consist of revenues generated from fees collected after July1,
386 2014, as authorized by section 3B of chapter 7 and transmitted to the state treasurer pursuant to
387 section 33. The commissioner or a designee shall be the trustee of the fund and shall make
388 expenditures from the fund for the administrative costs of development, maintenance and
389 operation of a centralized, automated database for the system of vital records and statistics. The
390 department may incur expenses, and the comptroller may certify for payment amounts in
391 anticipation of expected receipts; provided, however, that no expenditure shall be made from the
392 fund which shall cause the fund to be in deficit at the close of a fiscal year. Monies deposited in
393 the trust fund that are unexpended at the end of a fiscal year shall not revert to the General Fund.

394 Simplify Appellate Tax Board Small Claims Process

395 SECTION 13. (A) Subsection (a) of section 7B of chapter 58A of the General Laws, as
396 appearing in the 2012 Official Edition, is hereby amended by striking out the second sentence
397 and inserting in place thereof the following sentence:- Any case in which the amount of tax
398 placed in dispute by the petition does not exceed (1) \$25,000 for any taxable year, in the case of
399 a tax imposed by taxable year; (2) \$25,000 for any calendar year, in the case of a tax imposed by
400 calendar year; (3) \$25,000 for any calendar year, in the case of a tax imposed by chapters 64A to
401 64J, inclusive, and section 21 of chapter 138; (4) \$25,000 in the case of a tax imposed by chapter
402 65C; or (5) \$25,000 for any taxable event or transaction in the case of any other tax; shall be
403 governed by the small claims procedure unless the appellant affirmatively requests that the case
404 be heard under the formal procedure.

405 (B) Said section 7B of said chapter 58A, as so appearing, is hereby further amended by
406 striking out, in line 18, the figure “\$5,000” and inserting in place thereof the following figure:-
407 \$25,000.

408 (C) Said section 7B of said chapter 58A, as so appearing, is hereby further amended by
409 striking out subsection (c) and inserting in place thereof the following subsection:-

410 (c) An appellant filing an appeal under the small-claims procedure shall pay to the clerk
411 an entry fee as determined annually by the secretary of administration and finance under section
412 3B of chapter 7 and shall file a written statement of the facts of the case and of the amount
413 claimed in abatement, together with such additional information as the clerk may require. The
414 appellant shall also file a written waiver of the right to appeal to any court. Within 5 business

415 days after receipt of the petition, the clerk shall notify the parties to confirm the scheduling of the
416 appeal and serve a copy of the small claims procedure petition and affiliated information upon
417 the commissioner of revenue. Within 25 business days after the service of the statement or at
418 such other time as the board may order, the commissioner of revenue shall file with the board an
419 answer similar to that required under the formal procedure provided by section 7.

420 (D) Said section 7B of said chapter 58A, as so appearing, is hereby further amended by
421 striking out, in line 42, the word “subsection” and inserting in place thereof the following
422 words:- subsections (a) and.

423 (E) Subsection (e) of said section 7B of said chapter 58A, as so appearing, is hereby
424 amended by striking out the third and fourth sentences and inserting in place thereof the
425 following 4 sentences:- The commissioner may also request that a matter be removed from the
426 small claims procedure if: (1) there is a recurring issue of law and the impact of the issue on
427 similarly situated taxpayers carries and aggregate value of over \$250,000; or (2) the board
428 determines that the issue to be addressed is not suitable for small claims resolution due to its
429 complexity, unique nature or other compelling reason as determined by the board in good faith.
430 Upon any such removal or discontinuance, proceedings in the case shall be transferred to the
431 formal docket and conducted under the formal procedure provided by section 7. The date on
432 which the appellant’s initial petition was received by the board shall be deemed the date of filing
433 for the subsequent appeal under the formal procedure. The board shall allow sufficient time for
434 the parties to modify their small claims submissions as needed to comply with the documentary
435 requirements of the formal procedure, and the waiver of the right of appeal will be void.

436 Prohibition on Clinical Laboratory Self-Referrals

437 SECTION 14. (A) Section 1 of chapter 111D of the General Laws, as so appearing, is
438 hereby amended by striking out clause (3) and inserting in place thereof the following clause:-

439 (3) “Company”, a corporation, partnership, limited liability company, limited liability
440 partnership, an association, a trust or an organized group of persons, whether incorporated or not.

441 (B) Said section 1 of said chapter 111D, as so appearing, is hereby further amended by
442 striking out clause (7) and inserting in place thereof the following 2 clauses:-

443 (6A) “Ownership interest”, interests including, but not limited to, any membership,
444 proprietary interest, shares of stock in a corporation, units or other interest in a partnership,
445 bonds, debentures, notes or other equity interest or debt instrument or co-ownership in any form.

446 (7) “Person” and “whoever”, corporations, societies, associations, partnerships, limited
447 liability companies, limited liability partnerships, trusts, organized group of persons, whether
448 incorporated or not, an individual or his estate upon his death, any other entity including but not
449 limited to, medical practice, medical office, clinic, counseling center, substance abuse treatment

450 program or sober house or a political subdivision of the commonwealth, but not an agency of the
451 commonwealth.

452 (C) Section 8 of said chapter 111D, as so appearing, is hereby amended by adding the
453 following subsection:-

454 (17) knowingly solicit, accept or test any specimen derived from the human body that is
455 received from, ordered, requested or referred by: (a) any person or company in which the clinical
456 laboratory, or its directors, owners, partners, employees or family members thereof, have any
457 direct or indirect ownership interest; or (b) any person or company, or its directors, owners,
458 partners, employees or family members thereof, having any direct or indirect ownership interest
459 in the clinical laboratory; provided, however, this subsection shall not apply to a clinical
460 laboratory owned by a licensed physician, or group of licensed physicians, used exclusively in
461 connection with the diagnosis and treatment of said physician's or said group of physicians' own
462 patients, and where all testing is performed by or under the direct supervision of said physician
463 or said physicians; provided, further this subsection shall not apply to a hospital or clinic licensed
464 under section 51 of chapter 111 used exclusively in connection with the diagnosis or treatment of
465 the hospital's or clinic's own patients; provided further, this subsection shall not to apply to any
466 case exempted under 42 U.S.C. section 1395nn(b)-(d), or specifically permitted by regulations or
467 rules of the United States Secretary of Health and Human Services, the federal Centers for
468 Medicare or Medicaid Services, the executive office of health and human services or the
469 executive office of administration and finance.

470 (D) Said chapter 111D is hereby further amended by inserting after section 8 the
471 following section:

472 Section 8A. It shall be a violation of this section for any person or company to
473 knowingly refer, request, order or send any specimen derived from the human body for
474 examination to a clinical laboratory in which the person or company, or any of its owners,
475 directors, partners, employees or family members thereof have a direct or indirect ownership
476 interest; provided, however, this section shall not apply to a clinical laboratory owned by a
477 licensed physician, or group of licensed physicians, and used exclusively in connection with the
478 diagnosis and treatment of said physician's or said group of physicians' own patients, and where
479 all testing is performed by or under the direct supervision of said physician or said physicians;
480 provided, further this subsection shall not apply to a hospital or clinic licensed under section 51
481 of chapter 111 used exclusively in connection with the diagnosis or treatment of the hospital's or
482 clinic's own patients; provided further, this section shall not to apply to any case exempted under
483 42 U.S.C. section 1395nn(b)-(d), or specifically permitted by regulations or rules of the United
484 States Secretary of Health and Human Services, the federal Centers for Medicare or Medicaid
485 Services, the executive office of health and human services or the executive office of
486 administration and finance.

487 (E) Said chapter 111D is hereby further amended by striking out section 13, as appearing
488 in the 2012 Official Edition, and inserting in place thereof the following section:-

489 Section 13. (a) Whoever maintains a clinical laboratory in the commonwealth without a
490 license in violation of section 4 or whoever, being licensed under section 5 maintains a clinical
491 laboratory in violation of the terms of such license, or whoever engages in, aids, abets, causes or
492 permits any act prohibited under section 8, or whoever refers, requests, orders, or sends any
493 specimen derived from the human body in violation of section 8A shall be punished by
494 imprisonment for not more than 5 years in state prison, or by imprisonment in a jail or house of
495 correction for not more than 2 and 1/2 years or by a fine of not more than \$10,000 dollars, or by
496 both such fine and imprisonment. The commissioner shall transmit to the attorney general such
497 evidence of an offense as the department may have in its possession.

498 (b) If any person or company violates the provisions of subsection (17) of section 8 or
499 section 8A of this chapter, the attorney general may bring a civil action, either in lieu of or in
500 addition to a criminal prosecution, and may recover a civil penalty of not less than \$5,000 and
501 not more than \$10,000 per violation, plus 3 times the amount of damages sustained, including
502 consequential damages. A person violating subsection (17) of section 8 or section 8A shall also
503 be liable to the commonwealth for the expenses of the civil action brought to recover any such
504 penalty or damages, including without limitation reasonable attorney's fees, reasonable expert's
505 fees and the costs of investigation. No action shall be brought under this section more than 6
506 years after it accrues. The commissioner shall transmit to the attorney general such evidence of
507 an offense as the department may have in its possession.

508 (c) Any person or company that solicits, offers or enters into a referral arrangement or
509 scheme with a clinical laboratory which the person or company knows or should know has a
510 principal purpose of assuring referrals by the person or company to a particular clinical
511 laboratory which, if the person or company directly made referrals to such clinical laboratory,
512 would be in violation of subsection (17) of section 8 or in violation of section 8A, shall be liable
513 to the commonwealth for a civil penalty of not more than \$100,000 for each referral arrangement
514 or scheme plus 3 times the amount of damages sustained, including consequential damages. No
515 action shall be brought under this section more than 6 years after it accrues. The commissioner
516 shall transmit to the attorney general such evidence of an offense as the department may have in
517 its possession.

518 (F) Said chapter 111D is hereby further amended by adding the following section:-

519 Section 14. Pursuant to the authority of the department under subsection (8) of section 2,
520 the department shall require all clinical laboratories to disclose all ownership interests in writing
521 to the department every 2 years. Such disclosure shall contain the name and ownership interest
522 of the disclosing person or company, as well as the names and all ownership interests of all other
523 parties with an ownership interest in the clinical laboratory. A copy of said disclosure shall be

524 provided by the clinical laboratory to the attorney general. Failure to provide said disclosure
525 may result in a fine not more than \$5,000.

526 **Estate Recovery – Updates to the Uniform Probate Code**

527 SECTION 15. (A) Section 32 of chapter 118E of the General Laws, as appearing in the
528 2012 Official Edition, is hereby amended by striking out, in lines 5 and 6, 15 and 16, 18, 23, 28,
529 45 and 46, 63, 68 and 69, 76, 78, 98 and 101 and 102, the words “executor or administrator” and
530 inserting in place thereof, in each instance, the following words: - personal representative.

531 (B) Said section 32 of said chapter 118E, as so appearing, is hereby further amended by
532 inserting after the word “mail”, in line 5, the following words:- in accordance with sections 3-
533 306(f) and 3-403(f) of chapter 190B.

534 (C) Said section 32 of said chapter 118E, as so appearing, is hereby further amended by
535 striking out, in lines 21 and 83, the words “section 9 of chapter 197” and inserting in place
536 thereof, in each instance, the following words:- section 3-803 of chapter 190B.

537 (D) Section 3-306 of chapter 190B of the General Laws, as so appearing, is hereby
538 amended by adding the following subsection:-

539 (g) The petitioner shall give written notice 7 days prior to petitioning for informal probate
540 or appointment by sending a copy of the petition and death certificate by certified mail to the
541 division of medical assistance.

542 (E) Section 3-403 of said chapter 190B, as so appearing, is hereby amended by adding
543 the following subsection:-

544

545 (g) The petitioner shall give notice by certified mail to the division of medical assistance
546 together with a copy of the petition and death certificate.

547 (F) Section 3-1201 of said chapter 190B, as so appearing, is hereby amended by
548 inserting after the word “person”, in line 5, the following words:- or, in the case of a person who
549 at his death, was receiving services from the department of mental health, the department of
550 developmental services or the division of medical assistance, any person designated to act as a
551 voluntary personal representative of the estate of such person by the department of mental health,
552 the department of developmental services or the division of medical assistance,.

553 (G) Said section 3-1201 of said chapter 190B, as so appearing, is hereby further
554 amended by inserting after the word “mail”, in line 35, the following words:- at least 7 days
555 before filing.

556 **Notice to Court of Bed Capacity for Civil Commitments**

557 SECTION 16. The fourth paragraph of section 35 of chapter 123 of the General Laws, as
558 so appearing, is hereby amended by striking out the fourth, fifth and sixth sentences and inserting
559 in place thereof the following 4 sentences:- The person may be committed to the Massachusetts
560 correctional institution at Bridgewater, if a male, or at Framingham, if a female, if there are not
561 suitable facilities available under said chapter 111B, upon a finding by the court that
562 commitment to a correctional institution is necessary to protect the person or others from serious
563 harm and is likely to further the person's rehabilitation. These persons so committed shall be
564 housed and treated separately from convicted criminals. These persons shall, upon release, be
565 encouraged to consent to further treatment and shall be allowed voluntarily to remain in the
566 facility for that purpose. The department of mental health, in conjunction with the department of
567 public health, shall maintain a roster of public and private facilities available, together with the
568 number of beds currently available, for the care and treatment of alcoholism or substance abuse
569 and shall make the roster available to the district courts on a weekly basis.

570 **Conform Worksharing Plan to Federal Laws**

571 SECTION 17. Chapter 151A of the General Laws is hereby amended by striking out
572 section 29D, as so appearing, and inserting in place thereof the following section:-

573 Section 29D. (a) As used in this section the following words shall, unless the context
574 clearly requires otherwise, have the following meanings:-

575 (1) "Affected unit", a specified plant, department, shift or other definable unit that
576 includes 2 or more workers to which an approved worksharing plan applies.

577 (2) "Director", the director of the department or the director's authorized representative.

578 (3) "Health and retirement benefits", health benefits, and retirement benefits provided by
579 an employer under a defined benefit pension plan as defined in section 414(j) of the Internal
580 Revenue Code, or contributions under a defined contribution plan defined in section 414(i) of
581 said Code, which are incidents of employment in addition to the cash remuneration earned.

582 (4) "Worksharing benefits", the unemployment benefits payable to employees in an
583 affected unit under an approved worksharing plan, as distinguished from the unemployment
584 benefits otherwise payable under the unemployment compensation provisions of this chapter.

585 (5) "Worksharing plan", a plan submitted by an employer, for approval by the director,
586 under which the employer requests the payment of worksharing benefits to workers in an
587 affected unit of the employer to avert layoffs.

588 (6) "Usual weekly hours of work", the usual hours of work for full-time or regular part-
589 time employees in the affected unit when that unit is operating on its regular basis, not to exceed
590 40 hours and not including hours of overtime work.

591 (7) "Unemployment compensation", the unemployment benefits payable under this
592 chapter other than worksharing benefits, including any amounts payable pursuant to an
593 agreement under any Federal law providing for compensation, assistance or allowances with
594 respect to unemployment.

595 (b) An employer wishing to participate in a worksharing program shall submit a signed
596 written worksharing plan and application form to the director for approval. The director shall
597 develop an application form to request approval of a worksharing plan and an approval process.
598 The application shall include:

599 (1) The affected unit or units covered by the plan, including the number of full-time or
600 part-time workers in such unit, the percentage of workers in the affected unit covered by the
601 plan, identification of each individual employee in the affected unit by name, social security
602 number and the employer's unemployment tax account number, and any other information
603 required by the director to identify plan participants.

604 (2) A description of how workers in the affected unit will be notified of the employer's
605 participation in the worksharing program if such application is approved, including how the
606 employer will notify those workers in a collective bargaining unit, as well as any workers in the
607 affected unit who are not in a collective bargaining unit. If the employer will not provide
608 advance notice to workers in the affected unit, the employer shall explain in a statement in the
609 application why it is not feasible to provide such notice.

610 (3) A requirement that the employer identify the usual weekly hours of work for
611 employees in the affected unit and the specific percentage by which their hours will be reduced
612 during all weeks covered by the plan. An application shall specify the percentage of reduction
613 for which a worksharing application may be approved which shall be not less than 10 percent
614 and not more than 60 percent. If the plan includes any week for which the employer regularly
615 provides no work due to a holiday or other plant closing, then such week shall be identified in
616 the application.

617 (4) Certification by the employer that, if the employer provides health and retirement
618 benefits to any employee whose usual weekly hours of work are reduced under the program,
619 such benefits will continue to be provided to employees participating in the worksharing
620 program under the same terms and conditions as though the usual weekly hours of work of such
621 employee had not been reduced or to the same extent as other employees not participating in the
622 worksharing program.

623 For defined benefit retirement plans, the hours that are reduced under the worksharing
624 plan shall be credited for purposes of participation, vesting and accrual of benefits as though the
625 usual weekly hours of work had not been reduced. The dollar amount of employer contributions
626 to a defined contribution plan that are based on a percentage of compensation may be less due to
627 the reduction in the employee's compensation.

628 Notwithstanding the above, an application may contain the required certification when a
629 reduction in health and retirement benefits scheduled to occur during the duration of the plan will
630 be applicable equally to employees who are not participating in the worksharing program and to
631 those employees who are participating.

632 (5) Certification by the employer that the aggregate reduction in work hours is in lieu of
633 temporary or permanent layoffs, or both. The application shall include an estimate of the number
634 of workers who would have been laid off in the absence of the worksharing plan. The plan shall
635 not serve as a subsidy of seasonal employment during the off season, nor as a subsidy of
636 temporary part-time or intermittent employment.

637 (6) Agreement by the employer to: furnish reports to the director relating to the proper
638 conduct of the plan; allow the director or the director's authorized representatives access to all
639 records necessary to approve or disapprove the plan application, and after approval of a plan, to
640 monitor and evaluate the plan; and follow any other directives the director deems necessary for
641 the agency to implement the plan and that are consistent with the requirements for plan
642 applications.

643 (7) Certification by the employer that participation in the worksharing plan and its
644 implementation are consistent with the employer's obligations under applicable Federal and state
645 laws.

646 (8) The effective date and duration of the plan that shall expire not later than the end of
647 the twelfth full calendar month after the effective date.

648 (9) Any other provision added to the application by the director that the United States
649 Secretary of Labor determines to be appropriate for purposes of a worksharing program.

650 (c) The director shall approve or disapprove a worksharing plan in writing within 15 days
651 of its receipt and promptly communicate the decision to the employer. The disapproval shall be
652 final, but the employer shall be allowed to submit another worksharing plan for approval not
653 earlier than 7 days from the date of the disapproval.

654 (d) A worksharing plan shall be effective on the date that is mutually agreed upon by the
655 employer and the director, which shall be specified in the notice of approval to the employer.
656 The plan shall expire on the date specified in the notice of approval, which shall be either the
657 date at the end of the twelfth full calendar month after its effective date or an earlier date
658 mutually agreed upon by the employer and the director; provided, however, that if a worksharing
659 plan is revoked by the director under subsection (e), the plan shall terminate on the date specified
660 in the director's written order of revocation. An employer may terminate a worksharing plan at
661 any time upon written notice to the director. Upon receipt of such notice from the employer, the
662 director shall promptly notify each employee of the affected unit of the termination date. An

663 employer may submit a new application to participate in another worksharing plan at any time
664 after the expiration or termination date.

665 (e) The director may revoke approval of a worksharing plan for good cause at any time,
666 including upon the request of any of the affected unit's employees. The revocation order shall be
667 in writing and shall specify the reasons for the revocation and the date the revocation is effective.

668 The director may periodically review the operation of each employer's worksharing plan
669 to assure that no good cause exists for revocation of the approval of the plan. Good cause shall
670 include, but not be limited to, failure to comply with the assurances given in the plan,
671 unreasonable revision of productivity standards for the affected unit, conduct or occurrences
672 tending to defeat the intent and effective operation of the worksharing plan and violation of any
673 criteria on which approval of the plan was based.

674 (f) An employer may request a modification of an approved plan by filing a written
675 request with the director. The request shall identify the specific provisions proposed to be
676 modified and provide an explanation of why the proposed modification is appropriate for the
677 worksharing plan. The director shall approve or disapprove the proposed modification in writing
678 within 15 days of receipt and promptly communicate the decision to the employer.

679 The director, as a matter of discretion, may approve a request for modification of the plan
680 based on conditions that have changed since the plan was approved, provided that the
681 modification is consistent with and supports the purposes for which the plan was initially
682 approved. A modification does not extend the expiration date of the original plan, and the
683 director must promptly notify the employer whether the plan modification has been approved
684 and, if approved, the effective date of the modification.

685 An employer is not required to request approval of a plan modification from the director
686 if the change is not substantial, but the employer must report every change to the plan to the
687 director promptly and in writing. The director may terminate an employer's plan if the employer
688 fails to meet this reporting requirement. If the director determines that the reported change is
689 substantial, the director shall require the employer to request a modification to the plan.

690 (g) An individual is eligible to receive worksharing benefits with respect to any week
691 only if the individual is monetarily eligible for unemployment compensation, not otherwise
692 disqualified for unemployment compensation and:

693 (1) During the week, the individual is employed as a member of an affected unit under
694 an approved worksharing plan, which was approved prior to that week, and the plan is in effect
695 with respect to the week for which worksharing benefits are claimed.

696 (2) Notwithstanding any other provisions of this chapter relating to availability for work
697 and actively seeking work, the individual is available for the individual's usual hours of work

698 with the worksharing employer, which may include, for purposes of this section, participating in
699 training to enhance job skills that is approved by the director such as employer-sponsored
700 training or training funded under the Workforce Investment Act of 1998.

701 (3) Notwithstanding any other provision of law, an individual covered by a worksharing
702 plan is deemed unemployed in any week during the duration of such plan if the individual's
703 remuneration as an employee in an affected unit is reduced based on a reduction of the
704 individual's usual weekly hours of work under an approved worksharing plan.

705 (h)(1)The worksharing weekly benefit amount shall be the product of the regular weekly
706 unemployment compensation amount for a week of total unemployment multiplied by the
707 percentage of reduction in the individual's usual weekly hours of work.

708 (2) An individual may be eligible for worksharing benefits or unemployment
709 compensation, as appropriate, except that no individual shall be eligible for combined benefits in
710 any benefit year in an amount more than the maximum entitlement established for regular
711 unemployment compensation, nor shall an individual be paid worksharing benefits for more than
712 52 weeks under a worksharing plan.

713 (3) The worksharing benefits paid to an individual shall be deducted from the maximum
714 entitlement amount of regular unemployment compensation established for that individual's
715 benefit year.

716 (4) Provisions applicable to unemployment compensation claimants shall apply to
717 worksharing claimants to the extent that they are not inconsistent with worksharing provisions.
718 An individual who files an initial claim for worksharing benefits shall receive a monetary
719 determination.

720 (5) The following provisions apply to individuals who work for both a worksharing
721 employer and another employer during weeks covered by the approved worksharing plan:

722 (i) If combined hours of work in a week for both employers does not result in a reduction
723 of at least 10 percent or, if higher, the minimum percentage of reduction required to be eligible
724 for a worksharing benefit as provided in this section, of the usual weekly hours of work with the
725 worksharing employer, the individual shall not be entitled to benefits under these worksharing
726 provisions.

727 (ii) If the combined hours of work for both employers results in a reduction equal to or
728 greater than 10 percent or, if higher, the minimum percentage reduction required to be eligible
729 for a worksharing benefit as provided in state law, of the usual weekly hours of work for the
730 worksharing employer, the worksharing benefit amount payable to the individual is reduced for
731 that week and is determined by multiplying the weekly unemployment benefit amount for a week
732 of total unemployment by the percentage by which the combined hours of work have been

733 reduced by 10 percent or, if higher, the minimum percentage reduction required to be eligible for
734 a worksharing benefit as provided in this section, or more of the individual's usual weekly hours
735 of work. A week for which benefits are paid under this provision shall be reported as a week of
736 worksharing.

737 (iii) If an individual worked the reduced percentage of the usual weekly hours of work for
738 the worksharing employer and is available for all of the individual's usual hours of work with the
739 worksharing employer, and the individual did not work any hours for the other employer, either
740 because of the lack of work with that employer or because the individual is excused from work
741 with the other employer, the individual shall be eligible for worksharing benefits for that week.
742 The benefit amount for such week shall be calculated as provided in subsection (i).

743 (6) An individual who is not provided any work during a week by the worksharing
744 employer, or any other employer, and who is otherwise eligible for unemployment compensation
745 shall be eligible for the amount of regular unemployment compensation to which the individual
746 would otherwise be eligible.

747 (7) An individual who is not provided any work by the worksharing employer during a
748 week, but who works for another employer and is otherwise eligible may be paid unemployment
749 compensation for that week subject to the disqualifying income and other provisions applicable
750 to claims for regular compensation.

751 (i) Worksharing benefits shall be charged to employers' experience rating accounts in the
752 same manner as unemployment compensation is charged under this chapter. Employers liable
753 for payments in lieu of contributions shall have worksharing benefits attributed to service in their
754 employ in the same manner as unemployment compensation is attributed.

755

756 (j) An individual who has received all of the worksharing benefits or combined
757 unemployment compensation and worksharing benefits available in a benefit year shall be
758 considered an exhaustee for purposes of extended benefits, as provided under the provisions of
759 section 30A, and if otherwise eligible under those provisions, shall be eligible to receive
760 extended benefits.

761

762 (k) Notwithstanding any other provision of this chapter relating to charges, all
763 worksharing benefits shall be charged to the account of the worksharing employer. Benefits paid
764 under this section shall be charged to the employer's account in the same manner as regular
765 benefits are charged, except that, if the employer's account reserve percentage is negative as of
766 the most recent computation date, the employer shall be charged and billed in accordance with
767 the provisions of section 14A as if the employer had elected to make payments in lieu of

768 contributions. Benefits paid under this section to employees of employers who have elected to
769 make payments in lieu of contributions shall be charged in accordance with said section 14A.

770 (l) The director may utilize any remedies provided by this chapter to recover worksharing
771 benefits that were improperly paid as a result of information that was substantially misleading or
772 that contained a material misrepresentation of fact and was submitted to the director in
773 connection with the approval, modification or implementation of a worksharing plan.

774 **Conform to Federal Guidance on Section 125 Plans**

775 SECTION 18. (A) Chapter 151F of the General Laws is hereby repealed.

776 (B) Sections 9, 17 and 18 of chapter 176Q of the General Laws are hereby repealed.

777 **Amend Division of Banks Assessment**

778 SECTION 19. Section 2 of chapter 167 of the General Laws, as appearing in the 2012
779 Official Edition, is hereby amended by inserting after the word “banks”, in lines 64 and 85, in
780 each instance, the following words:- in combination with the assessment against all electronic
781 branches pursuant to section 24 of chapter 167B.

782 **Spending Authority for Additional Required Health Benefits**

783 SECTION 20. Section 3 of chapter 176Q of the General Laws, as so appearing, is hereby
784 amended by adding the following clause:-

785 (w) to administer payments for additional required benefits in accordance with 42 U.S.C.
786 § 1311(d)(3)(B).

787 **Ethics Commission Additional Revenue Sources**

788 SECTION 21. Section 3 of chapter 268B of the General Laws, as so appearing, is hereby
789 amended by adding the following subsection:-

790 (k) acting through the executive director, have the power to apply for, accept, use and
791 expend gifts, grants and contributions of money, services, property or aid from any source, for
792 the purpose of assisting the commission in the discharge of its duties.

793 **I-Cubed Technical Correction**

794 SECTION 22. Section 11A of chapter 293 of the acts of 2006, as inserted by section 16
795 of chapter 129 of the acts of 2008, is hereby amended by striking out, in the third sentence, the
796 figure “2” and inserting in place thereof the following figure:- 3.

797 **Extending the Statewide Grand Jury**

798 SECTION 23. Sections 99 and 107 of chapter 28 of the acts of 2009 are hereby repealed.

799 **Reserve for DDS Cases**

800 SECTION 24. Item 1599-2013 of section 2A of chapter 142 of the acts of 2011 is hereby
801 amended by inserting after the figure “3:10-CV30073” the following words:- and for costs of
802 cases in which the department of developmental services is a defendant.

803 **Chapter 224 Effective Date Corrections**

804 SECTION 25. (A) Section 206 of chapter 224 of the acts of 2012 shall take effect as of
805 October 1, 2013.

806 (B) Section 207 of said chapter 224 shall take effect on October 1, 2014.

807 **Extend Reporting Deadline**

808 SECTION 26. Section 73 of chapter 36 of the acts of 2013 is hereby amended by striking
809 out, in the fourth sentence, the words “March 15, 2014” and inserting in place thereof the
810 following words:- June 16, 2014.

811 **Snow and Ice Deficit Spending Threshold**

812 SECTION 27. (a) Notwithstanding any general or special law to the contrary, the
813 Massachusetts Department of Transportation may incur liabilities and make expenditures in
814 fiscal years 2014 and 2015 in excess of funds available to the department for snow and ice
815 removal; provided that the expenditures are approved by the secretary of transportation in
816 consultation with the secretary of administration and finance. No expenses shall be made in
817 excess of funds available until \$38,000,000 has been expended for snow and ice removal in each
818 of fiscal years 2014 and 2015 and the negative balance of funds available for snow and ice
819 removal shall not exceed \$50,000,000 at any time during each fiscal year. The state comptroller
820 may certify for payment invoices in excess of funds available to the department.

821 (b) The department shall, on or before May 1 in fiscal years 2014 and 2015, report to the
822 executive office for administration and finance and the house and senate committees on ways
823 and means the total amounts budgeted and expended for snow and ice removal. The department
824 shall seek appropriations, as required, to cure deficiencies resulting from the removal of snow
825 and ice for fiscal years 2014 and 2015.

826 **Employment Status of Certain Parole Officers**

827 SECTION 28. Notwithstanding any general or special law to the contrary, any person
828 currently employed by the parole board as a parole officer, whose appointment or promotion was
829 made provisionally, who has served satisfactorily in the position for at least 6 months
830 immediately before March 1, 2014, and who has passed a qualifying examination prescribed by

831 the personnel administrator, shall be granted permanent civil service status in that position as of
832 the date of the parole officer's appointment or promotion.

833 **Validation of Collective Bargaining Agreement**

834 SECTION 29. The salary adjustments and other economic benefits authorized by the
835 collective bargaining agreement between the commonwealth and the State Police Association of
836 Massachusetts, (Unit 5A) shall be effective for the purpose of section 7 of chapter 150E of the
837 General Laws.

838 **MassHealth Transferability**

839 SECTION 30. Notwithstanding any general or special law to the contrary, the secretary
840 of health and human services, with the written approval of the secretary of administration and
841 finance, may authorize transfers of surplus among items 4000-0320, 4000-0430, 4000-0500,
842 4000-0600, 4000-0700, 4000-0875, 4000-0880, 4000-0890, 4000-0940, 4000-0950, 4000-0990,
843 4000-1400, and 4000-1420 of section 2 of chapter 38 of the acts of 2013 for the purpose of
844 reducing any deficiency in these items, but any such transfer shall be made not later than August
845 30, 2014.

846 **MassHealth Accounts Payable**

847 SECTION 31. Notwithstanding any general or special law to the contrary, any
848 unexpended balances, not exceeding a total of \$20,000,000, in items 4000-0600 and 4000-0700
849 of section 2 of chapter 38 of the acts of 2013, shall not revert to the General Fund until
850 September 1, 2014 and may be expended by the executive office of health and human services to
851 pay for services enumerated in said items 4000-0600 and 4000-0700 of said section 2 of said
852 chapter 38 provided during fiscal year 2014.

853 **Transportation Reforms**

854 SECTION 32. (A) Section 3 of chapter 6C of the General Laws, as appearing in the 2012
855 Official Edition, is hereby amended by striking out, in lines 165 and 166, the words
856 "administration and finance" and inserting in place thereof the following words:- transportation,
857 in consultation with the secretary of administration and finance.

858 (B) Said section 3 of said chapter 6C, as so appearing, is hereby further amended by
859 adding the following paragraph:-

860 (49) sell, lease or otherwise contract for advertising, including in or on the facilities of the
861 department.

862 (C) Said chapter 6C is hereby further amended by inserting after section 10 the following
863 section:-

864 Section 10A. There shall be within the department an office of outdoor advertising,
865 which shall oversee, administer, regulate and control, in the public interest, the erection and
866 maintenance of billboards, signs or other advertising devices in accordance with state and federal
867 law. The office shall be under the administration and supervision of a director who shall be an
868 employee of the department. The director shall coordinate with other employees of the
869 department to administer and oversee the erection and maintenance of billboards, signs or other
870 advertising devices along public ways, and in enforcing the rules and regulations of the office.
871 Whenever any action by the office is required to be in writing, such writing shall be sufficient
872 when signed by the director. The director shall make an annual report for the preceding calendar
873 year setting forth the total number of active outdoor advertising permits, annual receipts, new
874 permit issuances, number of permits surrendered, permit transfer approvals, number of hearings
875 held and other relevant matters to the administrator of the highway division.

876 The department may make, amend or repeal rules and regulations for the proper control
877 and restriction of billboards, signs and other advertising devices on public ways or on private
878 property within view of any public way, public park or reservation. Such rules and regulations
879 may: require that said billboards, signs or other devices be located in business, commercial,
880 industrial, marketing or mercantile areas, or on unrestricted commercial arteries and adjacent to
881 commercial enterprises; prescribe standards of size, setback clearance and other criteria,
882 considering the public interest; require said billboards, signs or other devices to be authorized by
883 the department by the issuance of permits in accordance therewith and with this section; and
884 prescribe permit fees and fines. Said fees need not be uniform throughout the commonwealth. No
885 permit, whether permanent or temporary, for a billboard, sign or other advertising device shall be
886 issued unless the applicant provides written notice of the application stating the proposed
887 location to the city or town in which the proposed billboard, sign or other advertising device is to
888 be located. The director shall have the authority to issue licenses or permits where no objection
889 has been received to the pending application within 60 days of written notice of the application.

890 Except as hereinafter provided, before establishing or amending rules and regulations
891 under this section, the department shall hold duly advertised public hearings in Boston and in
892 such other cities and towns within the commonwealth as the department deems necessary or
893 expedient. Cities and towns may further regulate and restrict said billboards, signs or other
894 devices within their respective limits by ordinance or by-law.

895 Whenever, within 30 days after the permit applicant notifies the city or town, the director
896 receives written objection to an application for a permit from said city or town and written notice
897 of intention to appear in opposition to the application, the director may issue such permit only
898 after a public meeting on due notice to the applicant and the city or town.

899 Any applicant for a permit, or any city or town wherein a permit was issued, who is
900 aggrieved by the decision of the director with respect to the issuance or revocation of a license or
901 permit for the erection or maintenance of a billboard, sign or other advertising device, may

902 within 30 days thereafter, appeal from such decision to the department. The department shall
903 conduct a hearing and may designate a hearing officer to hold said hearing, after due notice, to
904 determine whether the decision will be affirmed, modified or annulled. The findings of the
905 hearing officer shall be final, subject to the provisions of chapter 30A.

906 No person, firm, association or corporation shall post, erect, display or maintain on any
907 public way or on private property within public view from any public way, public park or
908 reservation any billboard or other advertising device which advertises or calls attention to any
909 business, article, substance or any other thing, unless such billboard or device conforms to the
910 rules and regulations and ordinances or by-laws established by the department; provided, that
911 this section shall not apply to signs or other devices erected and maintained in conformity with
912 law and which advertise or indicate either the entity which primarily occupies the premises in
913 question or the principal activity or business transacted on-premise, or advertise the property
914 itself or any part thereof as for sale or to let and which contain no other advertising matter.

915 Any billboard, sign or other device erected without the authorization or permit of the
916 office, or any predecessor thereto, in cases where such authorization or permit is required, or
917 maintained in violation of any rule or regulation of the department, shall be deemed a nuisance.
918 The director of the shall have the same power to abate and remove any such nuisance as is given
919 the board of health of a town under sections 123 to 125, inclusive, of chapter 111, and the
920 provisions of said sections shall, so far as applicable, apply in the case of a nuisance as herein
921 defined. The remedy herein provided shall be in addition to any other remedy provided by law.

922 The supreme judicial and superior courts shall have jurisdiction in equity upon the
923 petition of the department, the attorney general, of any city or town or any officer thereof, or of
924 any interested party, to restrain the erection or maintenance of any billboard, sign or other
925 advertising device erected or maintained in violation of any rule, or regulation, or any provisions
926 of this chapter and to order the removal or abatement of such billboard, sign or outdoor
927 advertising device as a nuisance.

928 This section shall not apply to signs or other devices on or in rolling stock of any
929 common carrier nor shall they apply to signs or other devices which are not displayed within
930 view of a public way.

931 Whoever violates any provision of this section, chapter 93D or any rule, regulation,
932 ordinance or by-law established or adopted shall be punished by a fine of not more than \$1,000
933 per day following the receipt of notice of said violation.

934 (D) Subsection (a) of section 13 of said chapter 6C, as appearing in the 2012 Official
935 Edition, is hereby amended by adding the following 2 sentences:-

936 Notwithstanding any general or special law to the contrary, such revenues generated from
937 transit over the turnpike shall be applied exclusively to road, rail and transit projects and the

938 related costs thereof across the districts established in section 3 of chapter 57 and shall be
939 distributed to such districts in an equitable manner. For the purposes of this paragraph,
940 “equitable” shall mean not less than 75 per cent of the annual percentage of the total statewide
941 collections of toll revenue generated by each such district; provided, however, that the minimum
942 percentage shall be 85 per cent for districts in which the revenue generated by registered vehicles
943 that have a Fast Lane transponder exceeds the average revenue generated by registered vehicles
944 that have a Fast Lane transponder in districts statewide.

945 (E) Said chapter 6C is hereby further amended by striking out section 20, as so
946 appearing, and inserting in place thereof the following section:-

947 Section 20. Except as otherwise provided by law, any sale of real property shall be
948 awarded, utilizing appropriate, competitive and customarily acceptable real estate disposition
949 processes and procedures, to the bidder who is the highest responsible bidder subject to any
950 restrictions, covenants or conditions the department shall find that sound reasons in the public
951 interest require. Such processes and procedures may include, but shall not be limited to, absolute
952 auction, contractual listing agreements with Massachusetts licensed real estate brokers, sealed
953 bids and requests for price and development proposals. The department shall have the right to
954 reject all bids submitted under such processes and procedures and to re-advertise for bids. Before
955 any real property shall be so sold or conveyed, notice that such real property is for sale shall be
956 publicly advertised in a newspaper with a circulation sufficient to inform the people of the city or
957 town in which the real property to be sold is located, once a week for 3 successive weeks. Such
958 advertisements shall state the time and place where all pertinent information relative to the real
959 property to be sold or conveyed may be obtained, the time and location of the auction, or the
960 time and place for the submission of such bids and for the opening thereof, and that the
961 department reserves the right to reject any or all such bids. After the execution of a sale
962 agreement completing such transaction, all bids relating thereto shall be retained by the
963 department and shall be open to inspection by the public until the expiration of such agreement
964 or 6 months from the date thereof, whichever occurs first, and may thereafter be destroyed by the
965 department. The department may require, as evidence of good faith, that a deposit of a
966 reasonable sum, to be fixed by the department, accompany the proposals or bids. This paragraph
967 shall not be applicable to any sale of real property by the department to the commonwealth or
968 any city, town or public instrumentality nor to a sale of real property which is determined by the
969 department to have a fair market value of \$100,000 or less.

970 (F) Section 27 of said chapter 6C, as so appearing, is hereby amended by adding the
971 following subsection:-

972 (c) Notwithstanding section 168 of chapter 175 or any other general or special law to the
973 contrary, the department shall be exempt from any fees or taxes associated with surplus lines
974 insurance; provided, however, that the exemption shall extend to any insurance broker for any
975 insurance premium tax or surplus lines tax being incurred or having been incurred by the

976 insurance broker as a result of the insurance having been procured, placed, negotiated, continued
977 or renewed for or on behalf of the department.

978 (G) Said chapter 6C is hereby further amended by striking out section 44, as so
979 appearing, and inserting in place thereof the following section:-

980 Section 44. (a) The division may provide functional replacement of real property in
981 public ownership whenever the division has acquired such property, in whole or in part, under
982 this chapter or when such property is significantly and adversely affected as a result of the
983 acquisition of property for a highway or highway-related project and whenever the division
984 determines that functional replacement is necessary and in the public interest. For the purposes
985 of this section, "functional replacement" shall mean the replacement, pursuant to chapter 7,
986 requiring authorization of the general court prior to disposition of real property, including either
987 land or facilities thereon, or both, which shall provide equivalent utility. For the purposes of this
988 section "real property in public ownership" shall mean any present or future interest in land,
989 including rights of use, now existing or hereafter arising, held by an agency, authority, board,
990 bureau, commission, department, division or other unit, body, instrumentality or political
991 subdivision of the commonwealth. This section shall not constitute authorization by the general
992 court as required by said chapter 7.

993 (b) Whenever the division determines it is necessary that a utility or utility facility, as
994 defined under federal law, be relocated because of construction of a project which is to be
995 reimbursed federally, in whole or in part, or which is to be paid by the commonwealth, in whole
996 or in part, such facility shall be relocated by the division or by the owner thereof in accordance
997 with an order from the division. Failure to comply with an order from the division shall be
998 subject to enforcement under chapter 81. The division shall reimburse the owner of such utility
999 or utility facility for the cost of relocation subject to the limitations in subsection (e) and in
1000 accordance with the following formula: for any utility facility that is to be reimbursed federally,
1001 in whole or in part, and for any utility facility that does not qualify for federal reimbursement,
1002 the division shall reimburse the owner at least 50 per cent of the costs of relocating the utility
1003 facility.

1004 (c) Any relocation of facilities carried out under this section which is not performed by
1005 employees of the owner shall be subject to sections 26 to 27F, inclusive, of chapter 149.

1006 (d) Notwithstanding any general or special law to the contrary, any utility facility that is
1007 required to be relocated because of the construction of a project federally funded under the
1008 Federal-Aid Highway Act of 1982 and the Federal-Aid Highway Act of 1987 may be relocated
1009 temporarily above ground during the construction of the project.

1010 (e) A utility relocation shall be eligible for reimbursement under this section only if it is
1011 completed to the satisfaction of the division within target dates established by the division and in

1012 accordance with design criteria set forth by the division for the relocation in a manner that
1013 facilitates the timely completion of the affected project.

1014 (H) Said chapter 6C is hereby further amended by striking out section 45, as so
1015 appearing, and inserting in place thereof the following section:-

1016 Section 45. Notwithstanding clause (e) of section 44 or any other general or special law
1017 to the contrary, the commonwealth may reimburse the owner of an underground utility or utility
1018 facility whenever such underground utility or utility facility has been relocated because of
1019 construction of a project which is to be reimbursed federally in whole or in part. The
1020 reimbursement authorized herein shall be to the extent that the cost of relocating the facility is
1021 reimbursed by the federal government.

1022 (I) Section 46A of said chapter 6C, as so appearing, is hereby amended by striking out,
1023 in lines 7 and 8, the words “the turnpike or the Boston extension of the metropolitan highway
1024 system” and inserting in place thereof the following words:- the state highway system.

1025 (J) Said chapter 6C is hereby further amended by inserting after section 60 the following
1026 2 sections:-

1027 Section 60A. The division, with the approval of the secretary, shall have the authority to
1028 promulgate rules, regulations, orders and directives for establishing security standards for all
1029 airports and restricted landing areas in the commonwealth, so long as such standards are not
1030 contrary to or inconsistent with mandatory federal security standards. The division may
1031 cooperate with other local, state and federal authorities in matters of security, including the
1032 sharing of information, for the protection of the commonwealth and national security interests.

1033 Each public-use airport, through its manager, shall prepare an airport security plan that
1034 must be submitted to and approved by the division. The airport security plan shall be developed
1035 under guidelines and regulations issued by the division through security directives. An airport
1036 security plan submitted and approved by the federal Transportation Security Administration in
1037 accordance with federal law shall be considered sufficient to comply with the requirements of
1038 this section.

1039 The airport security plan shall be considered sensitive security information under Title 49
1040 of the Code of Federal Regulations Part 1520 and shall not be subject to disclosure under clause
1041 Twenty-sixth of section 7 of chapter 4 and chapter 66.

1042 Any authorized representative of the division shall be permitted to inspect any airport,
1043 airfield, restricted landing area, aviation facility, hangar or aircraft for the purpose of determining
1044 compliance with security standards established by the division.

1045 The division shall be authorized to access criminal offender record information and to
1046 order and receive background checks completed by the department of state police on its

1047 employees, appointees, agents and persons with whom the division enters into a contract,
1048 agreement, certification or license.

1049 Section 60B. (a) The division shall have the authority to issue civil citations and to
1050 impose and collect fines and to impose other penalties for violation of aeronautics laws contained
1051 in sections 35 to 52, inclusive, of chapter 90, including any rules and regulations established by
1052 the division. The administrator, or a designee, after determining that a violation has occurred, is
1053 authorized to cite the offender for such violation by issuing a civil citation.

1054 (b) The administrator, or a designee, shall request, and the offender shall provide, the
1055 offender's name, address and a form of identification. If the infraction involves the operation of
1056 an aircraft, the administrator, or a designee, shall request the examination of the offender's
1057 current airman and medical certificates, if applicable, as well as an examination of the aircraft, if
1058 any, involved in the violation.

1059 (c) The administrator, or a designee, shall issue a written citation to the offender at the
1060 time and place of the violation, if possible, and the offender shall sign the citation
1061 acknowledging its receipt. If it is not possible to serve the offender with a citation at the time of
1062 the infraction, the administrator, or a designee, shall mail a copy of the citation, by certified mail,
1063 return receipt requested, to the offender at the offender's last known address, within 10 working
1064 days of the date the citation was issued.

1065 (d) If the administrator, or a designee, is unable to identify the offender, a citation shall
1066 be sent to the registered owner of the aircraft involved in the violation as appearing on the
1067 records of the division or the Federal Aviation Administration. The issuance of the citation shall
1068 be deemed to be sufficient notice to the alleged offender. Proof of registration shall be prima
1069 facie evidence that the registrant is the offender.

1070 (e) Each citation served shall include: (1) the name and address of the offender and the
1071 federal registration number of the aircraft involved, if any; (2) date, time and place of the
1072 offense; (3) description of the offense alleged; (4) signature of the administrator, or the designee,
1073 issuing the citation; (5) amount of penalty derived from a schedule established by the division
1074 and promulgated by statute or regulation; (6) instructions and time limits for paying the penalty;
1075 and (7) procedures for requesting a non-criminal hearing.

1076 (f) The offender shall remit full payment of the penalty within 30 days of the date of the
1077 citation, by mailing or delivering a bank check or money order payable to the commonwealth at
1078 the address stated on the citation. Payment in full of the specified penalty and any late payment
1079 penalty shall operate as final disposition of the matter and no record shall be entered in any
1080 criminal or probation records of the court. Late payment charges in the amount of 10 per cent of
1081 the penalty shall be assessed, in addition to the penalty, for each 30 days, or part thereof, while
1082 the citation is unpaid.

1083 (g) In lieu of initial payment, the offender may request, in writing within 30 calendar
1084 days from the date of the citation, a non-criminal hearing to be held before the administrator, or a
1085 designee. All hearings shall comply with chapter 30A.

1086 (h) The administrator, or a designee, shall issue an adjudicatory decision for or against
1087 the offender. If the offender is found liable, the administrator, or a designee, shall require the
1088 offender to pay, within 21 calendar days from the date of the finding or a longer time as may be
1089 determined by the administrator, or a designee, an amount not to exceed the scheduled penalty
1090 established for the offense by regulation or statute.

1091 (i) If the offender fails to timely render payment of the citation, fails to timely request a
1092 hearing, fails to appear for a scheduled hearing or fails to render payment of the citation upon an
1093 order of the court, the division may seek a criminal complaint against the offender without
1094 conducting a preliminary hearing pursuant to section 35A of chapter 218.

1095 (j) All fees, fines and penalties collected by the division shall be deposited into the fund.

1096 (K) Section 62 of said chapter 6C, as appearing in the 2012 Official Edition, is hereby
1097 amended by inserting after the words “intermodal facility”, in line 114, the following words:- ,
1098 highway operation and maintenance facilities, energy generation facilities.

1099 (L) Chapter 25A of the General Laws is hereby amended by striking out section 14, as so
1100 appearing, and inserting in place thereof the following section:-

1101 Section 14. (a) A state agency, building authority or local governmental body may
1102 contract for energy conservation projects that have a total project cost of \$100,000 or less,
1103 directly and without further solicitation, with electric and gas utilities, their subcontractors and
1104 other providers of such energy conservation projects authorized under sections 19 and 21 of
1105 chapter 25 and section 11G.

1106 (b) A state agency, building authority or local governmental body may contract for
1107 energy conservation projects that have a total project cost of \$500,000 or less, directly and
1108 without further solicitation with a provider of such energy conservation projects that has been
1109 competitively procured and approved by an electric or gas utility company.

1110 (c) For purposes of this section, “total project cost” shall mean all construction costs of an
1111 energy conservation project, whether borne by the utility, agency, authority or body including,
1112 without limitation, the costs associated with equipment purchase and installation of such
1113 equipment. Ancillary services provided at no cost by utilities, such as auditing and design, shall
1114 not be considered part of project cost.

1115 (d) A state agency, building authority or local governmental body may pay for such
1116 energy conservation projects through additions to their monthly utility bills.

1117 (e) Sections 44A to 44M, inclusive, of chapter 149 and section 39M of chapter 30 shall
1118 not apply to contracts entered into under this section.

1119 (M) Section 2D of chapter 85 of the General Laws, as so appearing, is hereby amended
1120 by striking out the second to eighth, inclusive, paragraphs.

1121 (N) Chapter 89 of the General Laws is hereby amended by inserting after section 4C the
1122 following section:-

1123 Section 4D. Notwithstanding the provisions of section 4A, when any way has been
1124 divided into lanes, the driver of a commercial motor vehicle as defined in section 1 of chapter
1125 90F, shall so drive that the vehicle shall be entirely within a single lane and shall not move from
1126 the lane in which the driver is driving until the driver has first ascertained if such movement can
1127 be made with safety. A violation of this section shall be deemed an "improper or erratic lane
1128 change" as included within the definition of "serious traffic violation" in section 1 of chapter
1129 90F.

1130 (O) Chapter 90 of the General Laws is hereby amended by inserting after section 2I the
1131 following section:-

1132 Section 2J. The registrar may refuse to register, and may suspend or revoke if already
1133 registered, a commercial motor vehicle if the registrar has received notice, in any form which the
1134 registrar deems appropriate, including electronic transmissions, that the commercial motor
1135 carrier attempting to register a commercial motor vehicle has been prohibited from operating in
1136 interstate commerce by a federal agency with authority to do so under federal law.

1137 (P) Section 7B of said chapter 90, as appearing in the 2012 Official Edition, is hereby
1138 amended by striking out, in line 128, the words "\$50 nor more than \$100" and inserting in place
1139 thereof the following words:- \$500 nor more than \$1,000.

1140 (Q) Section 7D of said chapter 90, as so appearing, is hereby amended by striking out, in
1141 line 2, the words "(13) and (16)" and inserting in place thereof the following words:- (13), (16)
1142 and (17).

1143 (R) Said chapter 90 is hereby further amended by striking out section 15, as so
1144 appearing, and inserting in place thereof the following section:-

1145 Section 15. (a) Except as hereinafter otherwise provided, every person operating a motor
1146 vehicle, upon approaching a railroad crossing at grade, shall reduce the speed of the vehicle to a
1147 reasonable and proper rate before proceeding over the crossing, and shall proceed over the
1148 crossing at a rate of speed and with such care as is reasonable and proper under the
1149 circumstances. Every person operating a school bus, or any motor vehicle carrying explosive
1150 substances or flammable liquids as a cargo, or part of a cargo, upon approaching a railroad
1151 crossing at grade, shall bring his vehicle to a full stop not less than 15 feet and not more than 50

1152 feet from the nearest track of said railroad, and shall not proceed to cross until it is safe to do so.
1153 The operator of a school bus, in addition to bringing his vehicle to a full stop, as aforesaid, shall
1154 open the service door, ascertain if he may cross safely and thereupon close said door before
1155 proceeding. Every person operating any motor vehicle, upon approaching at grade a railroad
1156 crossing protected by red lights which flash as a warning, shall bring his vehicle to a full stop not
1157 less than 15 feet and not more than 50 feet from the nearest track of said railroad and shall not
1158 proceed to cross until said lights stop flashing. Every person operating any motor vehicle, upon
1159 approaching at grade a railroad crossing protected by a lowered automatic gate, shall bring his
1160 vehicle to a full stop not less than 15 feet and not more than 50 feet from the nearest track of said
1161 railroad and shall not proceed to cross until said automatic gate is raised. Every person operating
1162 any motor vehicle, upon approaching at grade a railroad crossing protected by a railroad
1163 employee waving a red flag or white lantern, shall bring his vehicle to a full stop not less than 15
1164 feet and not more than 50 feet from the nearest track of said railroad and shall not proceed to
1165 cross until said railroad employee signals that it is safe to do so. A railroad train approaching
1166 within approximately 1,500 of a highway crossing shall emit a warning signal audible from such
1167 distance.

1168 (b) In addition to the above, an operator of a commercial motor vehicle who has a
1169 commercial driver license or who is required to have a commercial driver license, including the
1170 operator of a school bus, who fails to take the appropriate action as provided in clauses (1)
1171 through (6), inclusive, when approaching a railroad grade crossing shall be subject to the
1172 penalties contained in this section and the periods of disqualification contained in subsection (I)
1173 of section 9 of chapter 90F. The violations are:

1174 (1) the operator is not required to always stop, but fails to slow down and check that
1175 tracks are clear of an approaching train;

1176 (2) the operator is not required to always stop, but fails to stop before reaching the
1177 crossing, if the tracks are not clear;

1178 (3) the operator is always required to stop, but fails to stop before driving onto the
1179 crossing;

1180 (4) the operator fails to have sufficient space to drive completely through the crossing
1181 without stopping;

1182 (5) the operator fails to obey a traffic control device or the directions of an enforcement
1183 official at the crossing; or

1184 (6) the operator fails to negotiate a crossing because of insufficient undercarriage
1185 clearance.

1186 (c) Whoever violates any provisions of this section and is operating a school bus, or any
1187 motor vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo,
1188 shall be punished by a fine of not less than \$500 or by being required to perform a total of 100
1189 hours of community service which may include service in the operation lifesaver program. All
1190 other persons violating the provisions of this section not operating a school bus, or any motor
1191 vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, shall be
1192 punished by a fine of not less than \$100 nor more than \$200 or by being required to perform a
1193 total of 50 hours of community service which may include service in the operation lifesaver
1194 program.

1195 (S) Said chapter 90 is hereby further amended by inserting after section 22 the following
1196 section:-

1197 Section 22½. The registrar may suspend or revoke the certificate of registration of any
1198 commercial motor vehicle issued under this chapter if the registrar receives notice in any form
1199 which the registrar deems appropriate, including electronic transmissions, that the commercial
1200 motor carrier responsible for its safety has been prohibited from operating in interstate commerce
1201 by a federal agency with authority to do so under federal law. Notice to the registrant shall be as
1202 provided in subsection (d) of section 22.

1203 (T) Section 24B of said chapter 90, as appearing in the 2012 Official Edition, is hereby
1204 amended by striking out the first paragraph and inserting in place thereof the following
1205 paragraph:-

1206 Whoever falsely makes, steals, alters, forges or counterfeits or procures or assists another
1207 to falsely make, steal, alter, forge or counterfeit a registration plate, a learner's permit, a license
1208 to operate motor vehicles, an identification card issued under section 8E, a special parking
1209 identification disability placard, a certificate of registration of a motor vehicle or trailer, an
1210 inspection sticker, a registration plate validation decal, a certificate of registration of a motorized
1211 bicycle, a registration decal sticker for a motorized bicycle or a professional driving instructor's
1212 license, or whoever forges or without authority uses the signature, facsimile of the signature, or
1213 validating signature stamp of the registrar or deputy registrar upon a genuine, stolen or falsely
1214 made, altered, forged or counterfeited learner's permit, license to operate motor vehicles,
1215 certificate of registration of a motor vehicle or trailer, a certificate of registration of a motorized
1216 bicycle or an inspection sticker, or whoever has in his possession, or utters, publishes as true or
1217 in any way makes use of a falsely made, stolen, altered, forged or counterfeited registration plate,
1218 learner's permit, license to operate motor vehicles, an identification card issued under section 8E,
1219 a special parking identification disability placard, a certificate of registration of a motor vehicle
1220 or trailer, an inspection sticker, a registration plate validation decal, a certificate of registration of
1221 a motorized bicycle, a registration decal sticker for a motorized bicycle or a professional driving
1222 instructor's license, and whoever has in his possession, or utters, publishes as true, or in any way
1223 makes use of a falsely made, stolen, altered, forged or counterfeited signature, facsimile of the

1224 signature or validating signature stamp of the registrar or deputy registrar, shall be punished by a
1225 fine of not more than \$500 or by imprisonment in the state prison for not more than 5 years or in
1226 a jail or house of correction for not more than 2 years.

1227 (U) Said chapter 90 is hereby further amended by striking out section 41, as so
1228 appearing, and inserting in place thereof the following section:-

1229 Section 41. The administrator may conduct investigations or hearings relative to matters
1230 covered by any provision of sections 35 to 52, inclusive, or of any order, rule or regulation of the
1231 division, and may conduct investigations relative to any accident involving personal injury
1232 occurring in connection with aeronautics within the commonwealth.

1233 The division shall report to the appropriate federal agency all accidents within the
1234 commonwealth, and so far as possible, shall preserve, protect and prevent the removal of the
1235 component parts of any aircraft involved in any such accident being investigated by it.

1236 (V) Section 1 of chapter 90F of the General Laws, as so appearing, is hereby amended
1237 by inserting after the definition of "Commerce" the following definition:-

1238 "Commercial Driver's License" (CDL), a license issued in accordance with the standards
1239 contained in federal regulations at 49 C.F.R. Part 383 to an individual which authorizes the
1240 individual to operate a class of a commercial motor vehicle.

1241 (W) Said section 1 of said chapter 90F, as so appearing, is hereby further amended by
1242 inserting after the word "vehicle", in line 18, the first time it appears, the following word:-
1243 (CMV).

1244 (X) Said section 1 of said chapter 90F, as so appearing, is hereby further amended by
1245 inserting after the word "probated", in line 39, the following words:- ; dispositions under sections
1246 24D and 24E of chapter 90; an admission to sufficient facts; a continuance without a finding; an
1247 assignment to an alcohol or controlled substance education, treatment or rehabilitation program;
1248 refusing to submit to a chemical test or analysis of one's breath or blood; an alcohol
1249 concentration in one's breath or blood of 0.04 or more.

1250 (Y) Said section 1 of said chapter 90F, as so appearing, is hereby further amended by
1251 inserting after the definition of "License to operate a commercial motor vehicle" the following
1252 definition:-

1253 "Major offense", operation under the influence of alcohol or drugs, operating to endanger
1254 or reckless driving, under the provisions of paragraphs (a) to (h), inclusive, of subdivision 1 of
1255 section 24 of chapter 90; leaving the scene of a personal injury accident under said section 24 of
1256 said chapter 90; homicide by a commercial motor vehicle under the provisions of section 24G of
1257 said chapter 90; causing serious bodily injury while operating a commercial motor vehicle while
1258 under the influence of intoxicating liquor or drugs under the provisions of section 24L of said

1259 chapter 90; having an alcohol concentration of 0.04 or greater while operating a commercial
1260 motor vehicle; refusing to take an alcohol test as required by state or federal jurisdiction under its
1261 implied consent laws or regulations as defined in 49 CFR 383.72; using a commercial motor
1262 vehicle to commit a felony; driving a commercial motor vehicle when, as a result of prior
1263 violations committed operating a commercial motor vehicle, the driver's CDL is revoked,
1264 suspended or canceled, or the driver is disqualified from operating a commercial motor vehicle;
1265 using a commercial motor vehicle in the commission of a felony involving manufacturing,
1266 distributing or dispensing a controlled substance; and any other violations of state law relating to
1267 motor vehicle traffic control which the registry determines by regulation to be major. This
1268 definition shall include any and all disqualifying offenses under 49 CFR 383.51, as well as
1269 offenses listed in regulations which the registrar may promulgate to reflect the definition of a
1270 major offense contained in any applicable federal statute or regulation.

1271 (Z) Said section 1 of said chapter 90F, as so appearing, is hereby further amended by
1272 striking out the definition of "Serious traffic violation" and inserting in place thereof the
1273 following definition:-

1274 "Serious traffic violation", excessive speeding, improper or erratic traffic lane changes or
1275 following the vehicle ahead too closely as defined by the United States Department of
1276 Transportation by regulation; driving recklessly, as defined by state or local law or regulation,
1277 including but, not limited to, offenses of driving a motor vehicle in willful or wanton disregard
1278 for the safety of persons or property; driving a commercial motor vehicle without obtaining a
1279 commercial driver license; driving a commercial motor vehicle without having a commercial
1280 driver license in possession; driving a commercial motor vehicle without the proper class or
1281 endorsement; manually composing, sending or reading an electronic message, as defined in
1282 section 1 of chapter 90, while operating a commercial motor vehicle; using a mobile telephone or
1283 mobile electronic device, both as defined in said section 1 of said chapter 90, while operating a
1284 commercial motor vehicle; and any other violations of state law relating to motor vehicle traffic
1285 control which the registry determines by regulation to be serious. This definition shall include
1286 any and all disqualifying offenses under 49 CFR 383.51, as well as offenses listed in regulations
1287 which the registrar may promulgate to reflect the definition of a serious traffic violation
1288 contained in any applicable federal statute or regulation.

1289 (AA) Section 4 of said chapter 90F, as so appearing, is hereby amended by striking out,
1290 in line 16, the figure "\$11,000" and inserting in place thereof the following figure:- \$25,000.

1291 (BB) Section 6 of said chapter 90F, as so appearing, is hereby amended by striking out
1292 the third paragraph.

1293 (CC) Said section 6 of said chapter 90F, as so appearing, is hereby further amended by
1294 adding the following paragraph:-

1295 No person shall be issued a special license or permit, or a provisional, temporary or
1296 hardship license or permit to drive a commercial motor vehicle during a period in which the
1297 person is disqualified from operating a commercial motor vehicle or after the person's
1298 noncommercial driving privilege has been revoked, suspended or cancelled, or when any type of
1299 driver's license held by such person is suspended, revoked or cancelled by the state in which the
1300 driver is licensed for any state or local law related to motor vehicle traffic control, other than
1301 parking violations. A person shall not be issued a commercial driver license or learner's permit
1302 to operate a commercial motor vehicle on a limited basis on the grounds of hardship.

1303 (DD) Section 7 of said chapter 90F, as so appearing, is hereby amended by striking out,
1304 in lines 6 and 7, the words “, weight, and eye and hair color” and inserting in place thereof the
1305 following words:- and weight.

1306 (EE) Said section 7 of said chapter 90F, as so appearing, is hereby further amended by
1307 striking out clauses (6) to (9), inclusive, and inserting in place thereof the following clauses:-

1308 (6) certifications, including those required by 49 CFR 383.71(a);

1309 (7) consent of the applicant to release driving record information; and

1310 (8) any other information required by the registrar.

1311 (FF) Said chapter 90F is hereby further amended by striking out section 9, as so
1312 appearing, and inserting in place thereof the following section:-

1313 Section 9. (A) Any person who holds a license to operate a motor vehicle, a license to
1314 operate a commercial motor vehicle or is unlicensed, is disqualified from operating a commercial
1315 motor vehicle and is prohibited from operating a commercial motor vehicle for a period of not
1316 less than 1 year if convicted of a first violation of:

1317 (1) operating a commercial motor vehicle or a motor vehicle under the influence of
1318 alcohol or drugs;

1319 (2) operating a commercial motor vehicle while the alcohol concentration in the person's
1320 blood or breath is 0.04 or more;

1321 (3) operating a motor vehicle while the alcohol concentration in the person's breath or
1322 blood is 0.08 or more;

1323 (4) leaving the scene of an accident involving a commercial motor vehicle or a motor
1324 vehicle driven by the person;

1325 (5) refusing to submit to a chemical test or analysis of the person's breath or blood after
1326 operating a commercial motor vehicle or a motor vehicle;

1327 (6) using a commercial motor vehicle or a motor vehicle in the commission of a felony as
1328 defined in this chapter;

1329 (7) driving a CMV when, as a result of prior violations committed operating a CMV, the
1330 driver's CDL is revoked, suspended or canceled, or the driver is disqualified from operating a
1331 CMV; or

1332 (8) causing a fatality through the negligent operation of a CMV, including, but not
1333 limited to, the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent
1334 homicide.

1335 If any of the above violations occurred while transporting a hazardous material required
1336 to be placarded, the person shall be disqualified for a period of 3 years.

1337 (B) Any person shall be disqualified for life if convicted of 2 or more violations of any of
1338 the offenses specified in subsection (A), or for 2 or more refusals to submit to a chemical test or
1339 analysis of the person's breath or blood after operating a commercial motor vehicle or a motor
1340 vehicle, or any combination of those offenses, arising from 2 or more separate incidents.

1341 (C) The registrar may issue regulations establishing guidelines, including conditions,
1342 under which a disqualification for life under subsection (B) may be reduced to a period of not
1343 less than 10 years.

1344 (D) Any person shall be disqualified from operating a commercial motor vehicle for life
1345 who uses a vehicle in the commission of any felony involving the manufacture, distribution or
1346 dispensing of a controlled substance or possession with intent to manufacture, distribute or
1347 dispense a controlled substance.

1348 (E) Any person shall be disqualified from operating a commercial motor vehicle for a
1349 period of not less than 60 days if convicted of 2 serious traffic violations, or 120 days if
1350 convicted of 3 serious traffic violations, committed in the operation of a commercial motor
1351 vehicle arising from separate incidents occurring within a 3-year period. The 120 day
1352 disqualification period shall be imposed in addition to any other previously imposed period of
1353 disqualification.

1354 (E½) (1) Except as provided in subparagraph (2), any person who violates the provisions
1355 of an out-of-service order shall be disqualified from driving a commercial motor vehicle as
1356 follows:

1357 (i) for not less than 180 days or more than 1 year for a first violation of an out-of-service
1358 order;

1359 (ii) for not less than 2 years or more than 5 years for a second violation of an out-of-
1360 service order; provided, however, that such violations arose out of separate incidents during any
1361 10 year period; and

1362 (iii) for not less than 3 years or more than 5 years for a third or subsequent violation of an
1363 out-of-service order; provided, however, that such violations arose out of separate incidents
1364 during any 10 year period.

1365 (2) Any person who violates the provisions of an out-of-service order while transporting
1366 hazardous materials required to be placarded under the Hazardous Materials Transportation Act,
1367 49 U.S.C. app. 1801-1813, or while operating a motor vehicle designed to transport more than 15
1368 passengers, including the driver, shall be disqualified from driving a commercial motor vehicle
1369 as follows:

1370 (i) for not less than 180 days or more than 2 years for a first violation of an out-of-service
1371 order; and

1372 (ii) for not less than 3 years or more than 5 years for a second or subsequent violation of
1373 an out-of-service order; provided, however, that such violations arose out of separate incidents
1374 during any 10 year period.

1375 In addition to the disqualification provided for in subparagraphs (1) and (2), any driver
1376 who violates the provisions of an out-of-service order shall be subject to a civil penalty of not
1377 less than \$2,500 and not more than \$5,000.

1378 (F) After suspending, revoking or cancelling a license to operate a commercial motor
1379 vehicle, the registrar shall update its records to reflect such action within 10 days. After
1380 suspending, revoking or cancelling the privileges of a nonresident operator of a commercial
1381 motor vehicle, the registrar shall notify the licensing authority of the state which issued the
1382 license or certificate of the nonresident operator of a commercial motor vehicle within 10 days.

1383 (G) Pursuant to the provisions of 49 CFR 383.52 or any regulations promulgated by the
1384 registrar to reflect the applicable federal requirements, the registrar shall disqualify from
1385 operating a commercial motor vehicle any driver whose driving is determined by the assistant
1386 administrator of the Federal Motor Carrier Safety Administration of the United States
1387 Department of Transportation, or his designee, to constitute an imminent hazard. The period of
1388 disqualification shall not exceed 30 days, unless the assistant administrator or his designee
1389 complies with 49 CFR 383.52(c). Any disqualification so imposed shall be transmitted by the
1390 Federal Motor Carrier Safety Administration to the registrar and shall become a part of the
1391 driver's record maintained by the registrar. A driver who is simultaneously disqualified under
1392 this subsection and pursuant to any other federal or state disqualification from holding a
1393 commercial driver license shall serve such disqualification periods concurrently.

1394 (H) The registrar may disqualify and reject any application for commercial licensure by
1395 any Massachusetts resident holding a non-commercial driver license who has been convicted of a
1396 disqualifying event as defined in 49 CFR 383.51 or in regulations promulgated by the registrar to
1397 reflect the applicable federal requirements.

1398 (I) Any person who holds a license to operate a motor vehicle, a CDL or is unlicensed, is
1399 disqualified from operating a CMV and is prohibited from operating a CMV during the period of
1400 disqualification provided in subparagraph (2) below for a violation of any offense committed in a
1401 commercial motor vehicle listed in subsection (b) of section 15 of chapter 90 for a railroad
1402 crossing violation, in addition to the penalties contained in that section, the violations are:

1403 (1) the operator is not required to always stop, but fails to slow down and check that
1404 tracks are clear of an approaching train;

1405 (2) the operator is not required to always stop, but fails to stop before reaching the
1406 crossing, if the tracks are not clear;

1407 (3) the operator is always required to stop, but fails to stop before driving onto the
1408 crossing;

1409 (4) the operator fails to have sufficient space to drive completely through the crossing
1410 without stopping;

1411 (5) the operator fails to obey a traffic control device or the directions of an enforcement
1412 official at the crossing;

1413 (6) the operator fails to negotiate a crossing because of insufficient undercarriage
1414 clearance.

1415 The periods of disqualification are:

1416 For a first conviction a person required to have a CDL and a CDL holder shall be
1417 disqualified from operating a CMV for not less than 60 days.

1418 For a second conviction, of any combination of offenses in clauses 1 to 6, inclusive, in a
1419 separate incident within a 3-year period a person required to have a CDL and a CDL holder shall
1420 be disqualified from operating a CMV for not less than 120 days.

1421 For a third or subsequent conviction of any combination of offenses in clauses 1 to 6,
1422 inclusive, in a separate incident within a 3-year period a person required to have a CDL and a
1423 CDL holder shall be disqualified from operating a CMV for not less than 1 year.

1424 (J) (1) No operator of a CMV shall use a mobile telephone as defined in section 1 of
1425 chapter 90, or any hand-held device capable of accessing the internet, to manually compose, send
1426 or read an electronic message while operating a commercial motor vehicle. For the purposes of

1427 this section, an operator shall not be considered to be operating a commercial motor vehicle if
1428 the vehicle is stationary and not located in a part of the public way intended for travel.

1429 (2) A violation of this subsection shall be punished by a fine of \$100 for a first offense,
1430 by a fine of \$250 for a second offense and by a fine of \$500 for a third or subsequent offense.

1431 (3) A penalty under this subsection shall not be a surchargeable offense under section
1432 113B of chapter 175.

1433 (4) A violation of this subsection shall be deemed to be a serious traffic violation and a
1434 person who is found in violation may be prohibited from operating a commercial motor vehicle
1435 for the period designated in 49 CFR 383.51 when that person has been convicted of a second or
1436 subsequent offense of a serious traffic violation within a 3 year period.

1437 (K) (1) No operator of a CMV shall use a mobile telephone or mobile electronic device,
1438 each as defined in section 1 of chapter 90, while operating a commercial motor vehicle on any
1439 public way. For the purposes of this subsection, a commercial motor vehicle operator shall not be
1440 considered to be operating a commercial motor vehicle if the vehicle is stationary and not located
1441 in a part of the public way intended for travel.

1442 (2) A violation of this subsection shall be punished by a fine of \$100 for a first offense,
1443 by a fine of \$250 for a second offense and by a fine of \$500 for a third or subsequent offense.

1444 (3) A penalty under this subsection shall not be a surchargeable offense under section
1445 113B of chapter 175.

1446 (4) A violation of this subsection shall be deemed to be a serious traffic violation and a
1447 person who is found in violation may be prohibited from operating a commercial motor vehicle
1448 for the period designated in 49 CFR 383.51 when that person has been convicted of a second or
1449 subsequent offense of a serious traffic violation within a 3 year period.

1450 (GG) The General Laws are hereby amended by striking out chapter 93D and inserting
1451 in place thereof the following chapter:-

1452 Section 1. In this chapter and in chapter 6C unless the context otherwise requires, the
1453 following words shall have the following meanings:-

1454 "Department", the Massachusetts Department of Transportation established by section 2
1455 of chapter 6C.

1456 "Information center", an area or site established and maintained at safety rest areas for the
1457 purpose of informing the public of places of interest within the state and providing such other
1458 information as the department may consider desirable.

1459 "Interstate system", that portion of the national system of interstate and defense highways
1460 located within this commonwealth, as officially designated, or as may be hereafter so designated,
1461 by the department, and approved by the United States Secretary of Transportation, pursuant to
1462 the provisions of Title 23, United States Code, "Highways".

1463 "Landmark Sign", a sign that was lawfully in existence on October 22, 1965 as
1464 determined by the department and approved by Federal Highway Administration as a landmark
1465 sign in accordance with applicable federal regulation.

1466 "National Highway System", the federal aid highway system described in section 103(b)
1467 of Title 23 of the United States Code.

1468 "Non-conforming or grandfathered sign", a sign that was lawfully erected, but which at a
1469 later date does not comply with the provisions chapter 6C, this chapter, department regulations,
1470 23 U.S.C. or 23 CFR 750.101 et. seq., or which at a later date fails to comply with the above
1471 referenced statutes and regulations due to changed conditions. Illegally erected or maintained
1472 signs are not non-conforming or grandfathered signs.

1473 "On-premise sign", a sign which consists solely of the name of the establishment or
1474 which identifies the establishment's primary or principal products or services offered on the
1475 property is an on-premise sign. When a sign consists principally of a logo, brand name or trade
1476 name advertising and the product or service advertised is only incidental to the primary or
1477 principal activity, or if the sign generates revenue for the property owner, it shall be considered
1478 the business of outdoor advertising and not an on-premise sign. A sale or lease sign which also
1479 advertises any product or service not conducted upon and unrelated to the business or selling or
1480 leasing the land on which the sign is located is not an on-premise sign.

1481 "Outdoor advertising", any outdoor sign, display, light, device, figure, painting, drawing,
1482 message, plaque, poster, billboard or other thing which is designed, intended or used to advertise
1483 or inform, any part of the advertising or information contents of which is visible from any place
1484 on the main travelled way of the interstate, primary systems, public way, public park or
1485 reservation.

1486 "Primary systems", that portion of connected main highways, as officially designated, or
1487 as may hereafter be so designated, by the department, and approved by the United States
1488 Secretary of Transportation, pursuant to the provisions of Title 23, United States Code,
1489 "Highways".

1490 "Safety rest area", an area or site established and maintained within or adjacent to the
1491 right of way by or under public supervision or control, for the convenience of the traveling
1492 public.

1493 "Secretary", the United States Secretary of Transportation.

1494 "Urban area", urban area as defined in subsection (a) of section 101 of Title 23 of the
1495 United States Code.

1496 Section 2. No outdoor advertising shall be erected or maintained within 660 feet of the
1497 nearest edge of the right-of-way and visible from the public way, main travelled way of a
1498 highway in the interstate, primary systems or national highway system except the following:

1499 (a) Directional and other official signs and notices, which signs and notices shall include,
1500 but not be limited to, signs and notices pertaining to natural wonders, scenic and historic
1501 attractions, as required or authorized by law or by the department, and which conform to
1502 standards promulgated by the secretary under Title 23 of the United States Code.

1503 (b) Signs, displays and devices advertising the principal business or primary activity
1504 conducted on the property upon which they are located.

1505 (c) Signs, displays and devices advertising the sale or lease of property upon which they
1506 are located.

1507 (d) Signs, displays and devices which are located in areas which are zoned industrial or
1508 commercial under authority of law and which have permits issued under the provisions of section
1509 3.

1510 (e) Signs, displays and devices which are located in unzoned commercial or industrial
1511 areas which areas shall be determined from actual land use and defined by regulations to be
1512 promulgated by the department and which have permits issued under the provisions of section 3.

1513 (f) Signs lawfully in existence on October 22, 1965 and lawfully maintained thereafter,
1514 determined by the department and subject to the approval of the secretary, to be landmark signs,
1515 including signs on farm structures or natural surfaces, of historic or artistic significance, the
1516 preservation of which would be consistent with the purposes of this section, and which have
1517 permits issued under the provisions of section 3.

1518 Section 2A. No outdoor advertising shall be erected or maintained more than 660 feet of
1519 the nearest edge of the right-of-way and visible from the public way, main travelled way of a
1520 highway in the interstate, primary systems or national highway system if such outdoor
1521 advertising is located outside of urban areas and erected with the purpose of their message being
1522 read from such main travelled way.

1523 Section 2B. Only off-premise signs which have been continuously permitted by the
1524 department and utilized since their erection shall be eligible for non-conforming or grandfathered
1525 status. In no event shall on-premise displays be eligible for the protection of non-conforming or
1526 grandfathered status. Non-conforming or grandfathered signs shall not be altered in any way
1527 other than ordinary maintenance. If any such sign is modified in any way or removed, it shall
1528 lose its non-conforming or grandfathered status.

1529 Section 3. Under the procedures set forth in chapter 6C, the department is authorized to
1530 issue permits for the erection and maintenance of signs, displays and devices described in clauses
1531 (a), (d), (e) and (f) of section 2; provided, however, that the erection and maintenance thereof
1532 would comply with applicable ordinances and by-laws, with standards promulgated by the
1533 secretary under Title 23, United States Code, and with agreements between the department and
1534 the secretary authorized by section 7. Nothing in this section shall apply to signs, displays or
1535 devices referred to in clauses (b) and (c) of section 2.

1536 Nothing in this chapter shall be construed to prohibit the department from adopting
1537 lawful regulations imposing stricter limitations with respect to signs, displays and devices on the
1538 public way, interstate, primary systems or national highway systems.

1539 Section 4. Any outdoor advertising which violates the provisions of chapter 6C or this
1540 chapter shall be deemed a public nuisance. The department shall have the same power to abate
1541 and remove any such nuisance as is given the board of health of a town under sections 123 to
1542 125, inclusive, of chapter 111, and the provisions of said sections shall, so far as applicable,
1543 apply in the case of a nuisance as herein defined. The remedy provided herein shall be in
1544 addition to any other remedy provided by law.

1545 Section 5. The supreme judicial and superior courts shall have jurisdiction in equity upon
1546 the petition of the department, the attorney general, of any city or town or any officer thereof, to
1547 restrain the erection or maintenance of any outdoor advertising erected or maintained in violation
1548 of any provisions of this chapter, and to order the removal or abatement of such outdoor
1549 advertising as a nuisance.

1550 Section 6. The department is hereby authorized to maintain maps and to permit
1551 informational directories and advertising signs and pamphlets to be made available at rest areas,
1552 and to establish centers at rest areas for the purpose of informing the public of places of interest
1553 within the commonwealth and providing such other information as may be considered desirable.

1554 Section 7. The department is hereby authorized to enter into an agreement with the
1555 secretary, as provided by Title 23 of the United States Code, to establish standards for size,
1556 lighting and spacing of signs, displays and devices described in subsections (d) and (e) of section
1557 2, and to define an unzoned commercial or industrial area for the purposes of said section, and to
1558 take action in the name of the commonwealth to comply with the terms of such agreement.

1559 The department is further authorized to enter into an agreement with the secretary as
1560 provided by said Title 23 of the United States Code, relating to the establishment of information
1561 centers at safety rest areas, and to take action in the name of the commonwealth to comply with
1562 the terms of such agreement.

1563 (HH) Section 18 of chapter 161A of the General Laws, as appearing in the 2012 Official
1564 Edition, is hereby amended by adding the following paragraph:-

1565 The secretary of administration and finance, on behalf of the commonwealth, shall, with
1566 the concurrence of the secretary of the Massachusetts Department of Transportation, enter into a
1567 contract with the authority prior to July 1, 2014, providing for payments by the commonwealth
1568 of \$160,000,000 annually to the authority, in substantially equal monthly payments not later than
1569 the last day of each month, commencing with July 2014. The authority may pledge such contract
1570 and the rights of the authority to receive amounts thereunder as security for the payment of notes
1571 or bonds issued under the provisions of this chapter. Such contract shall constitute a general
1572 obligation of the commonwealth for which the faith and credit of the commonwealth shall be
1573 pledged for the benefit of the authority and of the holders of any notes or bonds of the authority
1574 which may be secured by a pledge of such contract or of amounts to be received by the authority
1575 under such contract.

1576 (II) Section 41 of said chapter 161A, as so appearing, is hereby amended by adding the
1577 following subsection:-

1578 (f) to sell electricity to the divisions within the Massachusetts Department of
1579 Transportation.

1580 (JJ) Section 1 of chapter 161B of the General Laws, as so appearing, is hereby amended
1581 by striking out, in line 8, the word “transit” the first time it appears.

1582 (KK) Said section 1 of said chapter 161B, as so appearing, is hereby further amended by
1583 striking out the definition of “Net cost of service”.

1584 (LL) Said section 1 of said chapter 161B, as so appearing, is hereby further amended by
1585 striking out the definition of “Net saving”.

1586 (MM) Said section 1 of said chapter 161B, as so appearing, is hereby further amended by
1587 striking out the definition of “Secretary” and inserting in place thereof the following definition:-

1588 “Secretary”, the secretary of the Massachusetts Department of Transportation.

1589 (NN) Section 5 of said chapter 161B, as appearing, is hereby amended by adding the
1590 following paragraph:-

1591 The advisory board shall form a finance and audit committee appointed from its
1592 membership. The committee shall meet not less than 4 times a year and shall: (i) review,
1593 comment and make recommendations for amendment to the authority’s preliminary budget and
1594 report comments and recommendations to the board; (ii) review, comment and make
1595 recommendations on the authority’s final operating and capital budgets of the to the board; (iii)
1596 make recommendations to improve the fiscal affairs of the authority including, but not limited to,
1597 internal controls to protect the assets and revenues of the authority; (iv) accept and report to the
1598 board the authority’s audits and management letters; and (v) undertake any projects referred to
1599 the committee by the board.

1600 (OO) Section 8 of said chapter 161B, as amended by section 112 of chapter 38 of the
1601 acts of 2013, is hereby further amended by adding the following paragraph:-

1602 (l) the regional transit authorities may not enter into any agreement, contract or other
1603 instruments of indebtedness or to borrow funds without the written permission of the secretary of
1604 transportation.

1605 (PP) Said chapter 161B is hereby further amended by striking out section 9, as appearing
1606 in the 2012 Official Edition, and inserting in place thereof the following section:-

1607 Section 9. If in any year the commonwealth shall be called upon to pay any amount of
1608 operating costs of service of any regional transit authority except the Cape Cod Regional Transit
1609 Authority, unless said authority elects not to assess costs as provided in section 9A, the total
1610 amount of such operating cost shall be assessed upon the cities and towns which are members of
1611 such authority in an amount equal to assessment for the service provided in the fiscal year ending
1612 June 30, 2013, with such increases as allowed under applicable law. Any other assessment
1613 formula shall be subject to the approval of the secretary and the advisory board of the authority.

1614 Amounts assessed under this section shall be the most recently audited regional transit
1615 authority assessment available on March 1 of each year and shall be used to calculate the
1616 upcoming fiscal year's estimated cherry sheet assessments.

1617 (QQ) Said chapter 161B is hereby further amended by striking out section 9A, as so
1618 appearing, and inserting in place thereof the following section:-

1619 Section 9A. If in any year the commonwealth shall be called upon to pay any amount of
1620 operating costs of the Cape Cod Regional Transit Authority, the total amount of such operating
1621 costs may be assessed in whole or in part upon the cities and towns which are members of said
1622 Authority in an amount equal to the assessment for the service provided in the fiscal year ending
1623 June 30, 2013, with such increases as allowed under applicable law. Communities shall be
1624 assessed on the basis of the total passenger miles and the number of trips attributable to the
1625 residents of cities and towns within said Authority. Any other such assessment formula shall be
1626 subject to the approval of the secretary and the advisory board of the Authority.

1627 Amounts assessed under this section shall be the most recently audited regional transit
1628 authority assessment available on March 1 of each year and shall be used to calculate the
1629 upcoming fiscal year's estimated cherry sheet assessments.

1630 (RR) Said chapter 161B is hereby further amended by striking out section 10, as so
1631 appearing, and inserting in place thereof the following section:-

1632 Section 10. The state treasurer may borrow, from time to time, on the credit of the
1633 commonwealth such amounts as may be necessary to make payments required of the
1634 commonwealth under this section or under section 11 and to pay any interest or other charges

1635 incurred in borrowing such money, and may issue notes of the commonwealth therefore, bearing
1636 interest payable at such times and at such rates as shall be fixed by him. Such interest and other
1637 charges shall be included in the assessments under this chapter in proportion to the respective
1638 assessments on the cities and towns constituting the authority for the period to which any such
1639 payment relates. No note issued under this paragraph shall mature more than 2 years from its
1640 date but notes payable earlier may be refunded 1 or more times, provided that no refunding note
1641 shall mature more than 2 years from the date of the original loan being refunded. Such notes
1642 shall be issued for such maximum term of years, not exceeding 2 years, as the governor may
1643 recommend to the general court in accordance with Section 3 of Article LXII of the
1644 Amendments to the Constitution of the Commonwealth.

1645 Pending any payment from the state treasurer to the authority and at any other time when
1646 the authority in the opinion of the administrator has not sufficient cash to make the payments
1647 required of it in the course of its duties as such payments become due, the authority may
1648 temporarily borrow money and issue notes of the authority therefore.

1649 If at any time any principal or interest is due or about to come due on any note issued by
1650 the authority pursuant to this section and funds to pay the same are not available, the
1651 administrator shall certify to the state treasurer the amount required to meet the obligation and
1652 the commonwealth shall thereupon pay over to the authority that amount. If the commonwealth
1653 shall not make the payment within a reasonable time, the authority or any holder of an unpaid
1654 note issued by the authority pursuant to this section, acting in the name and on behalf of the
1655 authority, shall have the right to require the commonwealth to pay the authority the amount
1656 remaining unpaid, which right shall be enforceable as a claim against the commonwealth. The
1657 authority or any holder of an unpaid note issued pursuant to this section may file a petition in the
1658 superior court to enforce a claim or intervene in any proceeding already commenced to enforce
1659 such a claim. Chapter 258 shall apply to the petition insofar as it relates to the enforcement of a
1660 claim against the commonwealth. Any holder of an unpaid note who shall have filed such a
1661 petition may apply for an order of the court requiring the authority to apply funds received by the
1662 authority on its claim against the commonwealth to the payment of the holder's unpaid note, and,
1663 if the court finds such amount to be due to the holder, shall issue the order.

1664 All assessments made under this chapter shall be made as provided in section 20 of
1665 chapter 59.

1666 If in any year the income received by the authority, including, but not limited to, revenues
1667 from leasing, advertising, parking, sale of capital assets, gifts and grants, exceeds the expenses
1668 incurred by the authority, including, but not limited to, expenses for wages, contracts for service
1669 by others, maintenance, debt service, taxes, rentals, payments to any governmental body and all
1670 other costs, the authority shall determine the amount of such excess. Such excess shall be placed
1671 in a reserve fund up to such amount as shall be determined by the authority with the approval of
1672 the advisory board. Any amount of excess not placed in such reserve fund shall be applied to

1673 reimbursing the commonwealth for any amounts which it may have paid under the provisions of
1674 this section, and the commonwealth shall thereupon distribute the amounts so received among
1675 the cities and towns constituting the authority up to the amounts which they were respectively
1676 assessed in the previous fiscal year. All remaining amounts in excess shall be so distributed up to
1677 the amounts assessed in each fiscal year immediately preceding, commencing with the most
1678 recent such year.

1679 (SS) Said chapter 161B is hereby further amended by striking out section 23, as so
1680 appearing, and inserting in place thereof the following section:-

1681 Section 23. Subject to appropriation, the commonwealth, acting by and through the
1682 department, may provide funding to the authorities; provided, however, said assistance may not
1683 be less than the amount provided to each authority in state contract assistance in the fiscal year
1684 ending June 30, 2013 and provided further any assistance provided above that amount shall be
1685 distributed based on a performance based formula as determined by the council and the
1686 secretary. Said formula shall be updated annually and reviewed every 3 years by the secretary
1687 and the council. Operating assistance shall be administered by the department.

1688 Any debt service on bonds issued by an authority, shall mature serially beginning not
1689 later than 10 years after the date of issue and ending not later than 40 years after the date of the
1690 bonds, so that the amounts payable in the several years for principal and interest combined shall
1691 be as nearly equal as in the opinion of the authority as is practicable to make them or, in the
1692 alternative, in accordance with a schedule providing a more rapid amortization of principal.

1693 Any contracts or agreements made between an authority and any private company or
1694 carrier for which operating assistance is provided shall be subject to the following limitations: (i)
1695 in determining whether assistance is needed under this paragraph with respect to an operating
1696 agreement with a private transportation company, and in determining the terms of such
1697 assistance, the authority shall review the entire transportation operations of the company and its
1698 affiliates and shall make a finding that the assistance will not permit the applicant company to
1699 make more than a reasonable return overall; and (ii) that the assistance shall cover only those
1700 services determined by the authority to be in the public interest.

1701 Any contract under this section shall include such provisions as the secretary deems
1702 necessary and desirable to assure the efficient operation of the authority, and the minimum
1703 burden on the commonwealth and on the cities and towns within the authority, and to insure
1704 operating assistance is provided for projects which are consistent with the program for public
1705 mass transportation of the authority.

1706 (TT) Section 139 of chapter 164 of the General Laws, as so appearing, is hereby
1707 amended by striking out subsection (f) and inserting in place thereof the following subsection:-

1708 (f) The aggregate net metering capacity of facilities that are not net metering facilities of
1709 a municipality or other governmental entity shall not exceed 1 per cent of the distribution
1710 company's peak load. The aggregate net metering capacity of net metering facilities of a
1711 municipality or other governmental entity shall not exceed 2 per cent of the distribution
1712 company's peak load. The maximum amount of generating capacity eligible for net metering by
1713 a municipality or other governmental entity shall be 10 megawatts, unless the municipality or
1714 other governmental entity has an historic peak load across all of its meters of 50 megawatts, in
1715 which case the maximum amount of generating capacity eligible for net metering by a
1716 municipality or other governmental energy shall be 25 per cent of its historic load. For the
1717 purpose of calculating the aggregate capacity, the capacity of a solar net metering facility shall
1718 be 80 per cent of the facility's direct current rating at standard test conditions and the capacity of
1719 a wind net metering facility shall be the nameplate rating.

1720 (UU) Section 1 of chapter 258 of the General Laws, as so appearing, is hereby amended
1721 by striking out the definition of "Serious bodily injury."

1722 (VV) Section 2 of said chapter 258, as so appearing, is hereby amended by striking out,
1723 in lines 8 and 9, the words "; provided, however, that all claims for serious bodily injury against
1724 the Massachusetts Bay Transportation Authority shall not be subject to a \$100,000 limitation on
1725 compensatory damages".

1726 (WW) Section 13D of chapter 265 of the General Laws, as so appearing, is hereby
1727 amended by adding the following sentence:- Any officer authorized to make arrests may arrest
1728 without a warrant any person who the officer has probable cause to believe has committed the
1729 above offense and may keep said person in custody for not more than 24 hours, or until the next
1730 sitting of the court, during which period the officer shall seek the issuance of a complaint and
1731 request a bail determination.

1732 (XX) Section 13I of said chapter 265, as so appearing, is hereby amended by adding the
1733 following sentence:- Any officer authorized to make arrests may arrest without a warrant any
1734 person who the officer has probable cause to believe has committed the above offense and may
1735 keep said person in custody for not more than 24 hours, or until the next sitting of the court,
1736 during which period the officer shall seek the issuance of a complaint and request a bail
1737 determination.

1738 (YY) Section 173 of chapter 25 of the acts of 2009 is hereby repealed.

1739 (ZZ) Notwithstanding the provisions of any other general or special law to the contrary,
1740 the aeronautics division of the Massachusetts Department of Transportation is hereby authorized
1741 to establish a pavement improvement program for public-use airports not eligible for federal
1742 airport improvement program funding. The department shall utilize available appropriated funds
1743 for airport development and planning projects and shall be authorized to reimburse up to 97.5 per
1744 cent of the total cost of a pavement improvement project performed pursuant to this program.

1745 (AAA) Notwithstanding the provisions of any other general or special law to the
1746 contrary, the Massachusetts Department of Transportation shall not be subject to the provisions
1747 of sections 44A to 44M, inclusive, of chapter 149 of the General Laws.

1748 (BBB) Notwithstanding the provisions of any other general or special law to the
1749 contrary, the highway division of the department of transportation shall create and maintain a
1750 comprehensive database of all bridges under the responsibility of the department that shall
1751 inventory and grade the condition of each bridge in the commonwealth. The highway division
1752 shall assume the inspection responsibility for all highway bridges owned and operated by the
1753 department. The Massachusetts Bay Transportation Authority shall maintain the inspection
1754 responsibility for all bridges owned by the authority, including bridges over transit or transit
1755 facilities, whereas the results of all such bridge inspections shall be incorporated into said
1756 comprehensive bridge database maintained by the highway division.

1757 (CCC) Notwithstanding any general or special law to the contrary, the secretary of
1758 transportation shall establish and implement a surface transportation assessment program
1759 designed to evaluate the current and near-term future quality, efficiency, safety, state of repair
1760 and overall condition of the limited access express toll highway, designated as interstate highway
1761 route 90, and all bridges, tunnels, overpasses, underpasses, interchanges, parking facilities,
1762 entrance plazas, approaches, connecting highways, service stations, restaurants, tourist
1763 information centers and administration, storage, maintenance and other buildings that the
1764 department of transportation may own, operate and maintain pursuant to chapter 6C of the
1765 General Laws or any other applicable provision of law and any additional highway, tunnel and
1766 bridge components as the general court may from time to time determine, extending from the
1767 town of West Stockbridge on the Commonwealth's border with New York State to, but not
1768 including, the interchange of interstate highway route 90 and state highway route 128 in the town
1769 of Weston. Said assessment shall include, but not be limited to, a determination by the secretary
1770 as to whether said highway is in current, near-term or long-term need of significant repair,
1771 resurfacing, restoration, rehabilitation, replacement, construction or reconstruction in order to:
1772 (1) prevent, delay or reduce substantial deterioration; (2) eliminate identifiable and serious safety
1773 hazards; or (3) install measures to protect said highway from such hazards as earthquakes,
1774 floods, icing, vessel collision, vehicular impact and security threats. Said assessment shall be
1775 completed by the secretary within 120 days of the passage of this act and every 5 years
1776 thereafter. The completed assessment shall be filed with the joint committee on transportation
1777 and the house and senate committees on ways and means.

1778 (DDD) Notwithstanding chapter 32 of the General Laws or any other general or special
1779 law to the contrary, the state board of retirement, established by section 18 of chapter 10 of the
1780 General Laws, shall establish and implement a retirement incentive solely for certain employees
1781 of the highway division of the Massachusetts Department of Transportation whose positions are
1782 eliminated due to the cessation of manual toll collection on the turnpike, as defined in section 1

1783 of chapter 6C; hereinafter in sections DDD to JJJ, inclusive, referred to as the “retirement
1784 incentive program”.

1785 In order to be deemed eligible by the state board of retirement for any of the benefit
1786 options under the retirement incentive program, said employee shall: (i) be an employee of the
1787 highway division of the Massachusetts Department of Transportation hired on or before January
1788 1, 2014 whose position is eliminated as a result of the cessation of manual toll collection on the
1789 turnpike; (ii) be in the job title toll collector I, toll collector II, toll courier I or toll courier II, or a
1790 member of collective bargaining unit D as established by the Master Labor Integration
1791 Agreement dated December 28, 2010 and referenced in section 6 of chapter 27 of the acts of
1792 2011; (iii) work until the last day of manual toll collection on the turnpike; (iv) be a member in
1793 active service of the state retirement system on the effective date of sections DDD to JJJ,
1794 inclusive; (v) be classified in group 1 of said retirement system in accordance with clause (g) of
1795 subdivision (2) of section 3 of said chapter 32; (vi) be eligible to receive a superannuation
1796 retirement allowance in accordance with subdivision (1) of section 5 of said chapter 32 upon the
1797 date of retirement requested in his written application for retirement with said board or will
1798 qualify if the incentive is awarded; (vii) have received his pay advices via the commonwealth's
1799 human resources compensation management system; and (viii) have filed a written application
1800 with the board in accordance with section EEE.

1801 The total number of eligible employees holding the job title of toll collector I, toll
1802 collector II, toll courier I or toll courier II who may receive the benefit of the retirement incentive
1803 program shall be limited to 200. Employees with a greater number of years of creditable service
1804 on the effective date of sections DDD to JJJ, inclusive shall be approved by the state retirement
1805 board before approval may be given to employees with a lesser number of years of creditable
1806 service on the effective date of sections DDD to JJJ, inclusive. No employee shall be eligible for
1807 more than 1 of the incentives offered in sections DDD to JJJ, inclusive and no employee may
1808 become eligible for 1 incentive by virtue of the application of a different incentive.

1809 Words used in sections DDD to JJJ, inclusive, shall have the same meaning as they are
1810 used in said chapter 32 unless otherwise expressly provided or unless the context clearly requires
1811 otherwise. An employee who retires and receives an additional benefit in accordance with
1812 sections DDD to JJJ, inclusive shall be deemed to be retired for superannuation under said
1813 chapter 32 and shall be subject to all of said chapter 32.

1814 (EEE) Notwithstanding any provision of section 5 of chapter 32 of the General Laws that
1815 requires a retirement date within 4 months of the filing of an application for superannuation
1816 retirement, in order to receive the retirement benefit provided by sections DDD to JJJ, inclusive,
1817 an eligible employee shall file his application for retirement with the state board of retirement no
1818 later than 30 days after the last day of manual toll collection on the turnpike or 30 days after June
1819 30, 2016 whichever is later, and the retirement date requested shall be no later than 90 days after

1820 the last day of manual toll collection on the turnpike or 90 days from June 30, 2016, whichever
1821 is later.

1822 (FFF) An employee who is eligible for the retirement incentive program may request in
1823 his application for retirement that the state board of retirement credit him with an additional
1824 retirement benefit in accordance with this section. Each such employee shall request and receive
1825 a combination of years of creditable service and years of age, the sum of which shall not be
1826 greater than 5 years, for the purposes of determining his superannuation retirement allowance
1827 pursuant to paragraph (a) of subdivision (2) of section 5 of chapter 32 of the General Laws.

1828 Notwithstanding the credit, the total normal yearly amount of the retirement allowance,
1829 as determined in accordance with said section 5 of said chapter 32, of any employee who retires
1830 and receives the retirement incentive program benefit shall not exceed 80 per cent of the average
1831 annual rate of his regular compensation as determined in accordance with said section 5 of said
1832 chapter 32.

1833 (GGG) For a married employee who retires and receives an additional benefit under
1834 sections DDD to JJJ, inclusive, an election of a retirement option under section 12 of chapter 32
1835 of the General Laws shall not be valid unless: (i) it is accompanied by the signature of the
1836 member's spouse indicating the member's spouse's knowledge and understanding of the
1837 retirement option selected; or (ii) a certification by the state board of retirement that the spouse
1838 has received notice of such election as provided in this section. If a member who is married files
1839 an election which is not signed by the spouse, the state board of retirement shall notify the
1840 member's spouse within 15 days by registered mail of the option election and the election shall
1841 not take effect until 30 days after the date on which the notification was sent, any such election
1842 may be changed by the member at any time within 30 days or at any other time permitted under
1843 said chapter 32. Nothing in this section shall affect the effective date of any retirement allowance
1844 but, in the event of any election having been filed which is not so accompanied, the payment of
1845 any allowance so elected shall not be commenced earlier than 30 days after the state board of
1846 retirement sends the required notice.

1847 (HHH) The state board of retirement shall provide retirement counseling to employees
1848 who choose to consider retiring or who choose to retire under the retirement incentive program.
1849 Such counseling shall include, but not be limited to, the following: (i) a full explanation of the
1850 retirement benefits provided by sections DDD to JJJ, inclusive; (ii) a comparison of the expected
1851 lifetime retirement benefits payable to an employee under the retirement incentive program and
1852 under the existing chapter 32 of the General Laws; (iii) the election of a retirement option under
1853 section 12 of said chapter 32; (iv) the restrictions on employment after retirement; (v) the laws
1854 relative to the payment of cost-of-living adjustments to the retirement allowance; and (vi) the
1855 effect of federal and state taxation on retirement income. The group insurance commission shall
1856 provide counseling about the provision of health care benefits under chapter 32A of the General
1857 Laws. Each such employee shall sign a statement that he has received the counseling or that he

1858 does not want to receive the counseling prior to the approval by the state board of retirement of
1859 such employee's application for superannuation benefits and the additional benefit provided by
1860 sections DDD to JJJ, inclusive.

1861 Pursuant to section 98 of said chapter 32, the state treasurer may make advance payments
1862 in an amount not to exceed any retirement allowance actually due to an employee who is eligible
1863 for and who has filed an application for retirement under the retirement incentive program and
1864 who does not receive a retirement allowance within 90 days after submitting a retirement
1865 application, during such period as is necessary for the processing of the application for
1866 retirement.

1867 (III) The comptroller, in conjunction with the state board of retirement, shall certify to
1868 the house and senate committees on ways and means within 30 days of the cessation of manual
1869 toll collection on the turnpike the total value of compensation of the last pay period prior to the
1870 last day of manual toll collection on said turnpike, of each individual that has enrolled in the
1871 retirement incentive program.

1872 (JJJ) The provisions of sections DDD to JJJ, inclusive shall take effect on June 30, 2016
1873 or the last day of manual toll collection on the turnpike, as defined in section 1 of chapter 6C, as
1874 certified to the state retirement board by the secretary of transportation or his designee,
1875 whichever date is later.